





British
Parliamentary Papers

PAPERS RELATING TO CANADA 1837-38

Colonies
Canada 9

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*British
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AND OTHER PAPERS
RELATING TO CANADA
AND TO THE EARL OF DURHAM'S
APPOINTMENT THERE

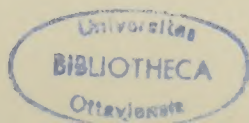
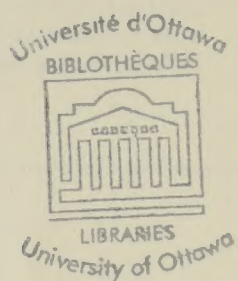
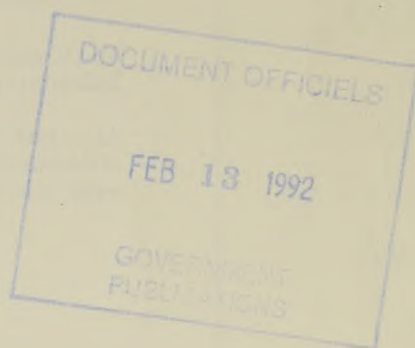
1837-38

*Colonies
Canada*

9



SHANNON • IRELAND



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LOWER CANADA.

COPIES OR EXTRACTS

OF

CORRESPONDENCE

RELATIVE TO THE

AFFAIRS OF LOWER CANADA.

(PRESENTED BY HER MAJESTY'S COMMAND.)

*Ordered, by The House of Commons, to be Printed,
23 December 1837.*

[*Price 1s. 3d.*]

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COPIES or EXTRACTS of CORRESPONDENCE relative to the AFFAIRS of
LOWER CANADA.

No. 1.—

No. 185.)

COPY of a DESPATCH from Lord *Glenelg* to the Earl of *Gosford*,
dated Downing-street, 11 March 1837.

My Lord,

ALTHOUGH I am unable at the present moment to enter, as fully as the occasion might seem to require, into an explanation of the reasons for the course which his Majesty's Government have felt it their duty to adopt in relation to the affairs of Lower Canada, nor into a statement of the duties which will consequently devolve on your Lordship, I feel it incumbent on me to avail myself of the first opportunity which has offered since the affairs of Lower Canada have been brought before The House of Commons, of informing you of the proceedings of Parliament with reference to this subject.

On the 6th instant, Lord John Russell proposed to The House of Commons, in a Committee of the whole House, the series of Resolutions, of which I enclose a copy for your Lordship's information. As an amendment to the fourth Resolution, it was moved to substitute a Declaration, that it is expedient that the Legislative Council of Lower Canada be made elective. The debate was continued by adjournment to the 8th instant, when, upon a division, the amendment was rejected by a majority of 318 to 56. After several divisions on questions of adjournment, The House ultimately divided on the main question, when the original Resolution, respecting the Legislative Council, was carried by a majority of 144 to 16.

I transmit to you the lists of the several divisions which took place on this occasion. The further proceedings were then deferred until the evidence taken before the Parliamentary Committee of 1834, to which reference had been made in the debate, should have been printed. The pressure of public business may, perhaps, render it impossible to resume the question until after the Easter holidays; but it is the intention of his Majesty's Government to incur no delay which is not absolutely indispensable, in obtaining the decision of The House of Commons on the remaining Resolutions. The debate, indeed, on the fourth Resolution was by no means confined to the single though important question to which it specifically relates, and the expression of the opinion of so large a majority of The House of Commons in the recent divisions, though formally decisive only of that single Resolution, may fairly be assumed as expressing the sense of The House on the general nature of the demands which have been preferred by the House of Assembly of Lower Canada. The result will, I trust, have a salutary effect in the Province, in showing that, after having evinced the fullest disposition to concede every just and reasonable demand, his Majesty's Government are secure in the support of Parliament, in resisting pretensions dangerous to the interest of the community, and at variance with the constitution itself, and with the relations between a dependency of the British Empire and the Parent State. It will further appear from the debate which took place on the recent occasion, that although prepared to meet with firmness the emergency which has unhappily arisen, his Majesty's Government will not advance beyond the precise limits of the necessity which requires and justifies their interference with the privileges of the Canadian Legislature, although it might be maintained by some, that stronger measures were demanded by the exigency of Canadian affairs.

Your Lordship will perceive from the Resolutions, that it is proposed that provision should be made for the payment of the salaries of the public officers in Lower Canada only to the 10th of April next. It forms no part of the policy of his Majesty's Government to supersede the functions, or to interfere with the constitutional privileges, of the House of Assembly of the Province to a greater extent than, under the pressing urgency of existing circumstances, has appeared to them unavoidable. It is their earnest hope that no future appeal to Parliament may be rendered necessary, by a continued abstinence on the part of the Assembly

No. 1.

Lord Glenelg to
Earl of Gosford,
11 March 1837.

No. 1.

Lord Glenelg to
Earl of Gosford,
11 March 1837.

from the exercise of those functions with which that branch of the Provincial Legislature has been intrusted, and his Majesty's Government have therefore resolved to endeavour, for a time at least, to contract the indispensable expenditure of the Province within the amount of those resources which are now subject to the control of the Crown and applicable to this purpose.

These funds may, as appears from the Reports of the Commissioners, be safely estimated at from 28,000 *l.* to 30,000 *l.* per annum. From that sum your Lordship will be able to defray the various charges which are enumerated in the Minute subjoined to this despatch. If, as I assume, the sum of 28,000 *l.* may be taken as clear from all charges of collection and management, there will remain a surplus of 2,600 *l.* per annum and upwards, applicable to any unforeseen but necessary expenditure which it may become your duty to incur. Even allowing for those charges, there will yet be an inconsiderable surplus of a few hundred pounds per annum; for the present, your Lordship will consider the hereditary, territorial and casual revenues appropriated to the services enumerated in the subjoined Minute, and will apply the proceeds accordingly.

This arrangement will provide for the first and indispensable exigencies of your administration from the 10th of April. It will, however, I fear, leave many important objects unprovided for, which have formerly been included in the appropriations made by the Legislature of the Province, but for which his Majesty's Government do not feel themselves imperatively called upon to provide, in the absence of any such appropriation; disclaiming, therefore, on the part of his Majesty's Executive Government, all responsibility for the personal and public inconvenience which may follow, the evil must, for the present at least, be encountered and sustained.

Should the funds at your disposal be more ample than I have anticipated, your Lordship will consider in what way the public interests may be best consulted in the application of any sum remaining at your disposal, after providing for the services to which I have referred.

Amongst the immediate effects of thus restricting the expenditure of the Government to objects of primary necessity is to be numbered the want of any security which the Government can offer for the future payment of those public officers whose salaries cannot be defrayed out of the resources at the disposal of the Crown; it follows as a necessary consequence, that immediate notice should be given to such officers, that as his Majesty can enter into no engagement for their further remuneration, the duties which they have hitherto discharged can no longer be required from them. If they shall continue in the performance of these duties, it must be at the risk of being remunerated hereafter by supplies to be granted for that purpose by the Provincial Legislature.

I have thought it essential to address this communication to you at the earliest moment at which it has been in my power to do so, and your Lordship may confidently rely on receiving further instruction for your guidance so soon as I shall be enabled to communicate to you the decision of Parliament on those points which still remain to be discussed in reference to the affairs of Lower Canada. In the meantime, I can only express my deep regret that you should be called to the discharge of duties of a painful and invidious nature, and involving at the same time no ordinary degree of responsibility. The personal esteem which your Lordship appears to have conciliated from men of all parties in the Province will, I trust, tend to strengthen your hands in your endeavour to moderate the violence of extreme opinions, and to acquire the support and assistance of all those who acknowledge the impartiality of your administration, and recognize in your acts a sincere desire to carry out the gracious intentions of his Majesty to govern Lower Canada only for the interests and welfare of all classes of his Majesty's subjects in the colony.

I have, &c.

(signed)

Glenelg.

Enclosure 1, in No. 1.

RESOLUTIONS intended to be proposed by Lord *John Russell*, in a Committee of the whole House, relative to the Affairs of *Canada*.

Encl. 1, in No. 1.

1. THAT since the 31st day of October, in the year 1832, no provision has been made by the Legislature of the Province of Lower Canada for defraying the charges of the administration of justice, and for the support of the civil government within the said Province,

and

AFFAIRS OF LOWER CANADA.

7

No 1.

and that there will, on the 10th day of April now next ensuing, be required, for defraying in full the charges aforesaid to that day, the sum of 142,160*l.* 14*s.* 6*d.*

Lord Glenelg to
Earl of Gosford,
11 March 1837.

Encl. 1, in No. 1.

2. That at a Session of the Legislature of Lower Canada, holden at the city of Quebec, in the said Province, in the months of September and October 1836, the Governor of the said Province, in compliance with his Majesty's commands, recommended to the attention of the House of Assembly thereof the estimates for the current year, and also the accounts, showing the arrears due in respect of the civil government, and signified to the said House his Majesty's confidence that they would accede to the application which he had been commanded to renew for payment of the arrears due on account of the public service, and for the funds necessary to carry on the civil government of the Province.

3. That the said House of Assembly, on the 3d day of October 1836, by an Address to the Governor of the said Province, declined to vote a supply for the purposes aforesaid, and by the said Address, after referring to a former Address of the said House to the Governor of the said Province, declared that the said House persisted, amongst other things, in the demand of an Elective Legislative Council, and in demanding the repeal of a certain Act passed by the Parliament of the United Kingdom in favour of the North American Land Company; and by the said Address, the said House of Assembly further adverted to the demand made by that House of the free exercise of its control over all the branches of the Executive Government; and by the said Address, the said House of Assembly further declared, that it was incumbent on them in the present conjuncture to adjourn their deliberations until his Majesty's Government should by its acts, especially by rendering the second branch of the Legislature conformable to the wishes and wants of the people, have commenced the great work of justice and reform, and created a confidence which alone could crown it with success.

4. That in the existing state of Lower Canada, it is inadvisable to make the Legislative Council of that Province an Elective Body; but that it is expedient that measures be adopted for securing to that branch of the Legislature a greater degree of public confidence.

5. That while it is expedient to improve the composition of the Executive Council in Lower Canada, it is inadvisable to subject it to the responsibility demanded by the House of Assembly of that Province.

6. That the legal title of the North American Land Company to the land holden by the said Company, by virtue of a grant from his Majesty, under the public seal of the said Province, and to the privileges conferred on the said Company by the Act for that purpose made in the fourth year of his Majesty's reign, ought to be maintained inviolate.

7. That it is expedient that, so soon as provision shall have been made by law to be passed by the Legislature of the said Province of Lower Canada for the discharge of lands therein from feudal dues and services, and for removing any doubts as to the incidents of the tenure of land in free and common soccage in the said Province, a certain Act made and passed in the sixth year of the reign of his late Majesty King George the Fourth, commonly called "The Canada Tenures Act;" and so much of another Act passed in the third year of his said late Majesty's reign, commonly called "The Canada Trade Act," as relates to the tenures of land in the said Province, should be repealed, saving nevertheless to all persons all rights in them vested under or by virtue of the said recited Acts.

8. That for defraying the arrears due on account of the established and customary charges of the administration of justice and of the civil government of the said Province it is expedient that, after applying for that purpose such balance as shall on the said 10th day of April 1837, be in the hands of the Receiver-general of the said Province, arising from his Majesty's hereditary, territorial and casual revenue, the Governor of the said Province be empowered to issue from and out of any other part of his Majesty's revenues in the hands of the Receiver-general of the said Province such further sums as shall be necessary to effect the payment of the before-mentioned sum of 142,160*l.* 14*s.* 6*d.*

9. That it is expedient that his Majesty be authorized to place at the disposal of the Legislature of the said Province the net proceeds of his Majesty's hereditary, territorial and casual revenue arising within the same, in case the said Legislature shall see fit to grant to his Majesty a civil list for defraying the necessary charges of the administration of justice, and for the maintenance and unavoidable expenses of certain of the principal offices of the civil government of the said Province.

10. That great inconvenience has been sustained by his Majesty's subjects inhabiting the Provinces of Lower Canada and Upper Canada from the want of some adequate means for regulating and adjusting questions respecting the trade and commerce of the said Provinces, and divers other questions wherein the said Provinces have a common interest; and it is expedient that the Legislatures of the said Provinces respectively be authorized to make provision for the joint regulation and adjustment of such their common interests.

No. 1.

Lord Glenelg to
Earl of Gosford,
11 March 1837.

Encl. 2, in No. 1.

Enclosure 2, in No. 1.

MINUTE.

	£.	s.
Salary to Governor - - - - -	4,500	-
Ditto to Judges - - - - -	10,000	-
Gaols and Maintenance of the Peace - - - - -	5,000	-
Salaries of Executive Councillors - - - - -	900	-
Ditto - - Civil Secretary - - - - -	500	-
Contingencies of his office - - - - -	500	-
Attorney-general's salary - - - - -	300	-
Solicitor-general's ditto - - - - -	200	-
Law Officers' contingencies - - - - -	1,800	-
Judges' Circuit Allowances - - - - -	375	-
Pensions - - - - -	550	-
Retired Allowances - - - - -	112	10
Expense of managing Crown Lands and Reserves - - - - -	2,400	-
	£. 27,137	10

—No. 2.—

EXTRACT of a DESPATCH from Lord *Glenelg* to the Earl of *Gosford*,
dated Downing-street, 6 March 1837.

No. 2.

Lord Glenelg to
Earl of Gosford,
6 March 1837.

I TRUST there is no serious danger of any public commotion, still less of any armed resistance. But as a measure of precaution, we shall probably strengthen the military force very shortly by the temporary addition of two regiments, and the “ Inconstant ” frigate will appear in the St. Lawrence as soon as the navigation is open.

—No. 3.—

EXTRACT of a DESPATCH from Lord *Glenelg* to the Earl of *Gosford*,
dated Downing-street, 22 March 1837.

No. 3.

Lord Glenelg to
Earl of Gosford,
22 March 1837.

22 March.

My last private letter will have led you to expect a reinforcement of the garrison in Lower Canada, by the addition of two regiments. Since I made that communication to you, I have ascertained that it would not be possible to detach such a force without inconvenience, and making a demonstration which might be productive of much greater evil than it could prevent. But I also find that in New Brunswick and Nova Scotia, there are between 2,000 and 3,000 men, who, in case of need, might be drawn from those provinces for your assistance. I have scarcely any apprehension that you will require them; but should it be necessary, you will transmit the enclosed letter to Sir C. Campbell, who will immediately despatch them to your aid. I should also wish you to keep Sir Francis Head informed of your proceedings and intentions on this subject.

The discussion of the Canada Resolutions has been inevitably postponed till after the Easter holidays; it will be resumed at the earliest possible moment. I shall take the first opportunity of bringing on the subject in the House of Lords.

Enclosure in No. 3.

Sir,

Downing-street, 22 March 1837.

Encl. in No. 3.

I HAVE his Majesty's commands to desire that you will immediately comply with any requisition which may be addressed to you by the Earl of Gosford, for detaching to his assistance any of his Majesty's Troops under your command in Nova Scotia, New Brunswick or Prince Edward's Island.

Sir Colin Campbell,
&c. &c. &c.

I have, &c.
(signed) *Glenelg*.

—No. 4.—

EXTRACT of a DESPATCH from the Earl of *Gosford* to Lord *Glenelg*,
dated Castle St. Lewis, 8 March 1837.

No. 4.

Earl of Gosford
to Lord Glenelg,
8 March 1837.

A FEELING of dissatisfaction with the Assembly, in regard to its proceedings in the last short session, is spreading, but not gone to such an extent as to induce me to suppose that a dissolution at this moment would be desirable; but if an appeal was now made to the people, I am sure what is termed the majority in

AFFAIRS OF LOWER CANADA.

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No. 4.

in the Assembly would experience a diminution in their ranks; but, under existing circumstances, I see no positive substantial good to result from a dissolution. Recourse might be had to such a measure when you have determined on the line you mean to adopt for relieving the Province from its present state of embarrassment. Coercion, abruptly adopted, might prove fatal, and such a step is therefore to be deprecated, nor can it be justified, except as a *dernier ressort* after all attempts of a constitutional character shall have failed; but liberality, I am sure, will not be lost sight of by the present Government in any course that may be taken, and whatever is arranged should, I think, be in its character, as far as circumstances will admit, conditional, and made to appear as an act of necessity, resorted to only to ward off the evils with which the country is oppressed and threatened.

Earl of Gosford
to Lord Glenelg,
8 March 1837.

P. S.—I shall send you, very soon, the names of those I think qualified for the two councils.

— No. 5. —

(No. 205.)

COPY of a DESPATCH from Lord *Glenelg* to the Earl of *Gosford*, dated Downing-street, 29 April 1837.

My Lord,

I HAVE the honour to inform you that the Resolutions on the affairs of Lower Canada, a copy of which was transmitted to you in my Despatch of the 11th ult., have all been affirmed by The House of Commons after a very full discussion, and in those instances in which divisions took place, by large majorities. I enclose for your Lordship's information, extracts from the votes and proceedings of The House, containing a statement of the several divisions which have taken place on this subject since I last addressed you. The introduction of the Bill to be founded on their Resolutions must be postponed until after the opinion of The House of Lords shall have been taken on them; but I have every reason to anticipate that it will be submitted to Parliament within a very short period. So soon as the Resolutions shall have been disposed of by The House of Lords, I shall address to your Lordship full instructions on the steps which should be adopted under existing circumstances, especially with reference to the composition of both the Legislative and Executive Councils; I regret that, owing to the delay which has occurred in passing the Resolutions, arising in great measure from the pressure of public business, I have been compelled to withhold these instructions for a longer period than I anticipated, but your Lordship may rely on receiving them in ample time to enable you to prepare for the meeting of the Legislature; whether that meeting should be postponed until the time when the law will require that a Session should be held, or should be fixed for an earlier time, is a question which must depend to a certain degree on local circumstances, of which your Lordship will have the means of obtaining a far more accurate acquaintance than I can; I shall, however, distinctly advert to this point in connexion with the other matters on which I shall have to address your Lordship, and I only refer to it now that you may be aware that it will not be overlooked, and that your own attention may be directed to it in the mean time, with a view to the sound exercise of that discretion which it may probably be expedient to leave in your Lordship's hands with regard to it.

No. 5.

Lord Glenelg to
Earl of Gosford,
29 April 1837.

I have, &c.

(signed) *Glenelg*.

— No. 6. —

EXTRACT of a DESPATCH from Lord *Glenelg* to the Earl of *Gosford*, dated Downing-street, 29 April 1837.

IN declining to act at once on the recommendations which you submitted in the course of last year for an extensive alteration in the composition of the two Councils, I trust I need not assure you that nothing was further from my intention than to imply the slightest disapprobation of the course which you had taken in transmitting to me those recommendations; on the contrary, I received them as an additional proof of the earnest desire which you have always evinced, to leave no constitutional means untried to effect an adjustment of the unhappy differences

No. 6.

Lord Glenelg to
Earl of Gosford,
29 April 1837.

which

Lord Glenelg to
Earl of Gosford,
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which have so long agitated and distracted the Province. The sole ground of my postponing at that time a decision on those recommendations was, that his Majesty's Government were convinced that it was indispensable to consider the whole of the main questions in dispute at one and the same time, after they should have received from the Commissioners a full and final Report on the topics which had been referred to them. That time has now arrived, and you will have already been informed that it is our intention to advise his Majesty to make an addition to the Legislative Council, by a careful selection of men of property, character and influence in the Province, of liberal views, and entitled to the respect and confidence of the public, but not committed to the extreme opinions to which I am willing to hope, from your recent information, many who have hitherto countenanced them are not disposed pertinaciously to adhere. We are also fully prepared to sanction a reconstruction of the Executive Council. So soon as the Resolutions which have now been affirmed by large majorities of The House of Commons shall have been sanctioned by The House of Lords, I shall address to you full instructions as to the course which it will be expedient for you to adopt. In the mean time, I shall be most anxious to receive the list of names referred to in the postscript of your letter, and I trust that I shall then be enabled at a very early period to transmit to you the requisite authority for summoning such gentlemen to the Councils as, after mature consideration, shall appear fully qualified for this important trust. I need not here repeat the regret and reluctance with which the Government have felt themselves bound to propose to Parliament the adoption of a course which they would gladly have avoided, had any less objectionable means been within their reach of satisfying those claims, the urgency of which has been so forcibly and repeatedly pressed on us by the Commissioners. In yielding to the necessity thus imposed on us, we have not been insensible to the obligation which we fully admit of conceding to the Assembly whatever in their demands was not inconsistent with the integrity of the Empire and the good faith of the British Parliament. In the policy to be hereafter pursued, I trust that the errors of past times will be avoided, and that his Majesty's subjects of all classes in Lower Canada will recognize an earnest desire on the part of the Imperial Government to promote, by a just, liberal and impartial administration of public affairs, the welfare and prosperity of the Province, and to meet the deliberate wishes of the inhabitants to the fullest extent which is compatible with their relation to this country.

In the present unhappy state of feeling between contending parties, I need scarcely observe that great caution and circumspection must be requisite, in order to avoid the risk of widening existing differences and increasing heats and jealousies, which I am well aware it is your constant aim to mitigate and allay. I am fully alive to the responsibility which rests on you, and to the difficulties which must present themselves at so critical a moment, especially in the selection of individuals for offices of trust and confidence, but I am happy in being able to rely on the judgment and discretion which you have hitherto evinced.

(No. 210.)

—No. 7.—

COPY of a DESPATCH from Lord *Glenelg* to the Earl of *Gosford*, dated
Downing-street, 22 May 1837.

No. 7.

My Lord,

Lord Glenelg to
Earl of Gosford,
22 May 1837.

I HAVE the honour to inform you that the Resolutions on the affairs of Lower Canada, which you are already aware had been adopted by The House of Commons, having been subsequently communicated at a conference to The House of Peers, have been assented to by their Lordships without a division. In pursuance of those Resolutions, it is the intention of his Majesty's Government immediately to introduce into Parliament a Bill, which, in addition to the authority with which it is proposed to invest the Governor to discharge the arrears due for the various public services in the colony, will embrace such of the other topics comprised in the Resolutions as require a legislative sanction. In the meantime, and until you receive the direct sanction of an Act of Parliament, you will not consider yourself at liberty to depart from the ordinary course to be observed in the appropriation of any portion of the public revenue which has hitherto been subject to the control of the provincial legislature. The opinion, indeed, which has already been so clearly expressed by both Houses of the Imperial Parliament, as to the necessity of investing you with this authority, leaves no room for doubt as to the result of the proposal of the requisite enactment

ment for this purpose ; but his Majesty's Government are still willing to hope that the exercise of the power to be intrusted to you may not be rendered unnecessary by the intervention of the provincial legislature. To avoid the necessity of violating one of the great principles of the Canadian constitution, we have been willing to make every sacrifice excepting that of the honour of the Crown and the integrity of the Empire ; and even now we are anxious that the experiment should be tried, whether yet a possibility remains of reconciling the assertion of those permanent interests with the maintenance of the principles of the Parliamentary Charter of 1791. The interval which must elapse before the proposed Bill can have passed both Houses of Parliament and have been transmitted to your Lordship, affords an opportunity, of which his Majesty's Government are happy to avail themselves, of inviting the House of Assembly to reconsider the course by which they have attempted to enforce their demands, after they shall have been made acquainted with the deliberate opinion of both Houses of Parliament on the several points at issue. I cannot but entertain the hope that this opinion, expressed in the most decisive manner, after full and protracted discussion, may not be without its due weight on the deliberations of the House of Assembly, and that they will feel that they are best consulting the interests committed to their care by receding from the extreme ground which they have recently taken, and by co-operating with his Majesty's Government and the Imperial Parliament in effecting those salutary improvements in the provincial government, and the working of the existing constitution, from which real and important benefits may accrue to all classes of his Majesty's subjects in Lower Canada. The King would not authorize your Lordship to submit to the Assembly any proposal derogatory from the high estimation which justly attaches to the representatives of the Canadian people ; but his Majesty is assured that no real dishonour or well-founded reproach would be incurred by the House if that which has been refused to the executive government, acting alone and unsupported by the British Parliament, should be conceded to the united voice of the imperial legislature.

In this hope, and resolved to omit no possible effort for reconciling these differences, his Majesty commands me to instruct your Lordship, on the receipt of this Despatch, to convene the provincial legislature for the earliest day at which it can be conveniently called together. It is, indeed, possible that circumstances with which I am unacquainted, but of which your Lordship will be in possession, may render a strict adherence to this injunction inexpedient. In that case a discretion will, of course, remain with you as to the precise period for which the legislature should be summoned. Any delay, however, not imperatively demanded by the force of such circumstances appears to me undesirable.

You will communicate to them, on their meeting, the proceedings which have taken place in Parliament, and the Resolutions which have been adopted on the affairs of Lower Canada ; you will express to them the deep regret and reluctance with which his Majesty's Government have yielded to the necessity of invoking the interference of Parliament, in order to meet the pressing difficulties which other resources had failed to remove in the administration of the affairs of the Province. You will further express to the House of Assembly the anxious hope that you may not be compelled to exercise the extreme power with which Parliament has declared its intention of investing you, in order to discharge the arrears due for public services in the colony, for the payment of which the faith of the Crown has been repeatedly pledged. You will inform them, that the chief object with which they are called together at present is, that before the Bill founded on the Resolutions shall reach Lower Canada, they may have an opportunity of rendering that part of it which rests on the 8th Resolution unnecessary and inoperative, by a grant of the supplies requisite for the purposes for which it is intended to provide. You will further express to them the earnest desire of his Majesty's Government to co-operate with them in the removal of every obstacle to the beneficial working of the existing constitution, and in the correction of every defect which time and experience have developed in the laws and institutions of the Province, or in the administration of its government. You will assure them of a prompt attention on the part of his Majesty's Government to every representation which may proceed from them tending to effect improvements of this nature, calculated to strengthen the connexion subsisting between this country and Lower Canada, by the promotion of the welfare and the interests of all classes of his Majesty's subjects in

No. 7.

Lord Glenelg to
Earl of Gosford,
22 May 1837.

the colony. I trust, also, that you will be enabled to appeal to the alterations which may have been made in the composition of the council, as a proof of the sincerity with which his Majesty's Government are disposed to carry into effect the intentions which they have expressed on this head. With reference, however, to this particular branch of the subject, I must defer any more explicit observations until I shall have received from your Lordship the communication which you have given me reason to expect at an early period, and which, I trust, I shall receive in ample time to enable me to address you further respecting it before the meeting of the Legislature. There are other topics which will readily suggest themselves to your own mind as fit to be introduced into your communication to the Legislature on its meeting; and I may probably have occasion to refer to this subject in the interval which must elapse before the commencement of the session. I have, however, felt it my duty to give you this general outline of the nature of the speech with which I think it will be desirable that you should address them in his Majesty's name.

It may perhaps be necessary that I should also advert to three contingencies, for either of which your Lordship should be prepared: First. In pursuance of the Resolution with which they separated, the House of Assembly may refuse to meet in sufficient numbers for the transaction of business, or having met, to proceed to business, or they may resume their legislative duties in the same spirit of resistance which they formerly manifested. Secondly. The House may proceed to business without any avowed spirit of resistance, but their subsequent proceedings may afford convincing evidence of an intention to postpone to an indefinite or remote period a decision on the application which you will have submitted to them for payment of the arrears. Thirdly. The House may, at their meeting, give proof of a more conciliatory disposition, and may justify the hope that the continuance of the session will issue in the satisfactory adjustment of the questions in debate.

In the first or the second of these events, it will be alike your duty to proceed to a prorogation. Unfortunate as the necessity of adopting that measure may be, it is yet of light moment compared with that of appearing to fail in decision and fixedness of purpose in the present posture of affairs in Lower Canada. Your Lordship will pursue whatever course may seem best adapted to render it known to the parties more immediately concerned, that if this effort to obtain the co-operation of the Assembly shall fail, the powers with which you may be intrusted by Parliament will infallibly be brought into exercise.

If, on the other hand, the House shall meet in such a spirit as to justify the hope of a satisfactory termination of the questions in debate, and should, within a reasonable time, provide for the payment of the arrears, his Majesty's Government would most sincerely share in the satisfaction which I am convinced your Lordship would feel in the necessity having been happily removed for the adoption of that extreme and ultimate remedy which the Parliamentary Resolutions contemplate.

It is further necessary that your Lordship should be prepared to act decisively regarding the demand which the Assembly will, of course, renew for their contingent expenses, if they should proceed to the despatch of public business. Under ordinary circumstances, I should regard the admission of this demand as hardly capable of debate. But in the present posture of affairs, it must be admitted cautiously, and not without due reserve. I cannot admit that the Government would be justified, far less that it is bound to give its sanction to the unlimited issue of public funds for the contingencies of the House of Assembly, while that House refuses or fails to provide for any other of the ordinary civil expenditure of the Province. To any application of this nature, therefore, the answer should in substance be, an avowal of your willingness to issue a moderate sum for the immediate expenditure of the House. Further supplies for this purpose should only be issued from time to time, as the exigencies of the public service may demand. It would be right also to consider whether the House should not be required to render an account of the expenditure of the sums already issued for contingencies. There are not wanting motives, at once weighty and obvious, for checking any mismanagement of these funds; while, on the other hand, to withhold them, so as to impede the free exercise of the functions of the House of Assembly, would be at once useless and unjustifiable.

I have, &c.

(signed) *Glenelg.*

—No. 8.—

EXTRACT of a DESPATCH from the Earl of *Gosford* to Lord *Glenelg* dated
Castle St. Lewis, 18 April 1837.

No. 8.

Earl of Gosford to
Lord Glenelg,
18 April 1837.

I SEE no chance whatever of any serious commotion here in consequence of your proceedings; however, you may rely on my taking every precaution. As to armed resistance, I see no ground for apprehending any thing of the kind. I shall act with all possible vigilance; at the same time avoid all demonstration of alarm.

— No. 9. —

EXTRACT of a DESPATCH from the Earl of *Gosford* to Lord *Glenelg*, dated
Castle St. Lewis, 6 May 1837.

No. 9.

Earl of Gosford to
Lord Glenelg,
6 May 1837.

I SHALL retain your letter to Sir Colin Campbell, seeing no sort of necessity at present for augmenting the military force of this Province. I have communicated to Sir John Colborne my wish to have a regiment always stationed at Montreal; but I have not the least expectation of any thing serious. If a dissolution of the present Parliament were to take place, there might be some broken heads, but nothing in the shape of general or combined commotion. I shall write to Sir Francis Head, and mention the military arrangements about to take place.

—No. 10.—

EXTRACT of a DESPATCH from Lord *Glenelg* to the Earl of *Gosford*, dated
Downing-street, 13 June 1837.

No. 10.

Lord Glenelg to
Earl of Gosford,
13 June 1837.

I EARNESTLY hope that nothing will occur to disappoint the expectation which you had formed of the undisturbed continuance of peace and good order in the Province.

I have not yet received the list of names which, in your letter of the 8th March, you led me shortly to expect; but I trust that I shall very soon be in possession of all the information on this subject which is essential to enable me to address to you the definitive instructions which it is obviously important you should receive before the meeting of the Legislature. I much regret to inform you that the King has been seriously indisposed during the last week, and though I am happy to say there has been some improvement, I fear his health is in a state to occasion great anxiety. This circumstance has necessarily occasioned some delay in the introduction of the Bill relating to Lower Canada, and it is not in my power to state the precise period at which it will be submitted to Parliament; but unless any circumstances should have induced you to differ from the opinion which I communicated to you in my Despatch of the 22d ultimo, as to the course to be adopted under existing circumstances in the Province, I am not aware that I could at present add any thing to the instructions contained in that Despatch.

—No. 11.—

(No. 225.)

COPY of a DESPATCH from Lord *Glenelg* to the Earl of *Gosford*, dated
Downing-street, 29 June 1837.

My Lord,

No. 11.

Lord Glenelg to
Earl of Gosford,
29 June 1837.

THE interruption occasioned to the progress of the public business of the present Session of Parliament by the melancholy event of the demise of his late Majesty, renders it necessary for me to address you without delay as to the course which it is proposed to adopt, with reference to existing affairs in Lower Canada. Her Majesty's Government feel, that in the prospect of an early dissolution of Parliament, it is impossible, consistently with a due regard to the public

No. 11.

Lord Glenelg to
Earl of Gosford,
29 June 1837.

public interest, to proceed during the present session with several important measures already under the consideration of Parliament, but still in an incomplete state; and no less so to introduce any new measure, the immediate necessity for which is not so urgent as to render even a temporary postponement impracticable. Under these circumstances, it has been determined not to submit to Parliament during the present Session the Bill to which I referred in my despatch of the 22d ultimo, and which was to have been founded on the resolutions of both Houses of Parliament on the affairs of Lower Canada. While postponing measures of great public interest and importance connected with the affairs of this country, Her Majesty's Government cannot but think that it would be unadvisable to adopt a different course with regard to a measure affecting the privileges of the Legislature of Lower Canada. Much as they have always lamented the necessity of adopting such a measure under any circumstances, they would at the present moment feel a peculiar reluctance in resorting to it, as they would deeply regret that one of the first legislative acts of the reign of Her most gracious Majesty should carry even the semblance of an ungracious spirit towards the representatives of Her Majesty's loyal and faithful subjects in that province. At the same time, Her Majesty's Government have not overlooked the necessity of making immediate provision for the discharge of the arrears due for public services in the colony; and with this view they have resolved to propose to The House of Commons, that a vote of credit should be passed for the advance, by way of loan, from the funds of this country, of the sum required for the payment of the arrears. An estimate for this purpose has been already laid on the table of the House, and I have every reason to anticipate that it will be readily sanctioned by Parliament. I shall take the earliest opportunity of informing you of the decision of The House of Commons, which will probably be obtained on Friday the 30th inst., that being the next day on which the Committee of Supply will set. In the event of the vote being acceded to, I shall have to address to you further instructions with reference to the appropriation of the money to the purposes for which it is required. In the mean time, I will only express my earnest hope that the House of Assembly may recognize, in the course recommended by Her Majesty's Government, a sincere desire to abstain from any interference with their rights and privileges which is not imperatively demanded by the force of existing circumstances, and that the result of the approaching session of the Provincial Legislature may be such as to relieve Her Majesty's Government from the necessity of submitting to Parliament in a future session any enactment founded on the eighth of the series of resolutions which have been agreed to by Parliament.

It will afford Her Majesty the most sincere satisfaction if the commencement of her reign should be marked by the restoration of that confidence and goodwill between the House of Assembly in Lower Canada and the Executive Government, the existence of which is so essential to the prosperity of the Province.

I have, &c.

(signed) *Glenelg.*

— No. 12. —

(No. 239.)

COPY of a DESPATCH from Lord *Glenelg* to the Earl of *Gosford*, dated
Downing-street, 14 July 1837.

No. 12.

Lord Glenelg to
Earl of Gosford,
14 July 1837.

My Lord,

I HAVE recently had under my consideration that portion of the General Report of the Canada Commissioners which relates to the Court of Escheats in Lower Canada, and in which the propriety of calling that Court into operation is discussed at some length. After attentively weighing the arguments adduced on this subject, both in the report and in the letter from Mr. Cochran, I cannot hesitate to express my concurrence in the views adopted by your Lordship and your colleagues. I have therefore to desire that you will take steps for abolishing the office of Commissioner of Escheats, by revoking the letters patent under which Mr. Cochran was appointed.

It is not without regret that I adopt a measure which, in a pecuniary point of view, will be seriously prejudicial to Mr. Cochran. The high testimony which
has

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Lord Glenelg to
Earl of Gosford,
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has been borne to his talents and integrity, both by your Lordship's predecessors and by the commissioners collectively, and the important and responsible offices which he has at different times held under the Crown, entitle him to every consideration from Her Majesty's Government. It would therefore be with much satisfaction that I should find it in my power to submit his name to The Queen for an appointment in Her Majesty's service.

I have, &c.
(signed) *Glenelg.*

— No. 13. —

(No. 240.)

COPY of a DESPATCH from Lord *Glenelg* to the Earl of *Gosford*, dated
Downing-street, 14 July 1837.

My Lord,

THE delay which has occurred in acting on the Third Report of the Commissioners of Inquiry in Lower Canada has not been occasioned by any serious doubt respecting the wisdom of the suggestions which they have there made for improving the constitution of the Executive Council of that province.

The selection of the candidates best qualified for seats at that board has formed the real and almost the only difficulty. Your Lordship is aware of the circumstances which have prevented our hitherto reaching a satisfactory conclusion as to the choice to be made; and it would be superfluous to make any more particular reference to them in this place. The result, however, is, that I am still unable to submit to The Queen a list of new executive councillors.

I feel, however, that it is impossible to acquiesce in further delay. I have therefore humbly advised The Queen to delegate to your Lordship the duty of making the necessary appointments at once, without any further reference to Her Majesty's Government on the subject; and I have accordingly received Her Majesty's commands to convey to you her authority for immediately issuing commissions to any nine gentlemen to be of Her Majesty's Executive Council in Lower Canada, whom your Lordship shall consider best deserving of that trust. I need scarcely add, that until those appointments shall have received Her Majesty's final confirmation, they must be regarded as provisional only.

It would have been very satisfactory to me to have been able to submit to The Queen warrants for Her Majesty's signature, appointing the proposed new councillors by name. In that case they would have entered at once on the judicial as well as the administrative duties of the office. It is still more important to remark that such nominations would have enabled The Queen to relieve the existing executive councillors from duties which I have reason to know have, in some cases, become onerous and irksome to them, while such members of the present board as have at once a just claim and a wish to remain of the executive council might have been reappointed. The entire body would thus at once have acquired a new composition and character. The necessity of leaving a sufficient number of members competent to act judicially, forbids the immediate adoption of this measure; but it should be clearly understood by the whole council, that it is intended to dissolve and to re-constitute the board so soon as it shall be possible to lay before The Queen the names of the future members.

In proceeding to execute the duty of selecting for immediate and provisional appointments nine new councillors, your Lordship will be guided by the principles laid down in the Third Report of the Commissioners of Inquiry. On mature reflection, Her Majesty's Government are convinced of the foresight and wisdom by which the advice of the Commissioners on this subject has been dictated; and without affecting to substitute any language of my own for theirs, I will, to prevent misapprehension, transcribe, although at the expense of a very long quotation, the precise passages of the Report to which it is Her Majesty's intention that effect should be given. They are as follows:

1. "We are of opinion that, although not liable to be changed at the will of the Assembly, the Executive Council should be so composed as to secure as much as possible of the confidence of the people.

2. "The earliest complaint which was made related, as we have already said, to the too great connexion alleged to subsist between the two councils. On this point the Governor-in-chief has pronounced his intention to act upon the principle, that it is neither right nor consistent with the wholesome separation

separation and independence of the principal bodies of the Government, that out of the limited number of executive councillors in this province, several should hold offices under the Legislative Council and House of Assembly. The adoption of this maxim will, we presume, go to the extent of what is wished in the province; for we do not suppose that any party would desire to render a seat in either of the legislative bodies incompatible with the office of Executive Councillor.

3. "Our own opinion is, that although the holding of office under the Crown ought not to be a disqualification, yet the number of office-holders in the council should never be considerable, probably not more than on an average one in four. We should further say, that there are some functionaries whose duties are such as to render it inexpedient to place them in the executive council, such for instance as the Civil Secretary of the Governor and the Attorney-general. The close connexion of the Civil Secretary with the Governor appears to us to furnish obvious reasons against his belonging to the council; and with respect to the Attorney-general, as he is, in the matter of public prosecutions and in other duties, in some degree the servant of the council, it would be somewhat incongruous that he should sit in it also.

4. "We recommend that it should never consist of a greater number than fifteen, nor (for any period exceeding six consecutive months) of less than nine. It seems prudent that this interval of six months should be allowed, to obviate any difficulties which might be experienced in filling up the council on the occasion of any change of its members.

5. "We would advise that the councillors should be appointed in the name of his Majesty by the Governor, under the great seal of the province, and enter at once into all the rights of their office, but subject to confirmation or disallowance by his Majesty within a limited time, say one year.

6. "For reasons before-mentioned, we think there should be no exclusion of persons holding office under Government, but that in practice it would probably be expedient that the number of that description should not exceed one-fourth of the whole council.

7. "We further submit, that amongst the members of council there should be no distinction as to powers, functions or form of appointment, excepting that members holding paid offices under Government should not receive salary as councillors.

8. "We consider it desirable that the remainder of the councillors should be paid equally not less than the present amount of 100*l.* per annum; and that it should be proposed to the Assembly to provide for this in any permanent grant hereafter to be made by them; but should the Assembly object to the payment of an increased number of executive councillors, we scarcely think these salaries should be made an indispensable condition in any proposal that may be submitted to them on the basis of our first Report. If all cannot be paid, the junior members might be required to serve without salary, in like manner as the office-holders.

9. "We would suggest, although of course no imperative rule can be laid down upon the subject, that in the Executive Council there should be at least one, and not more than three legislative councillors; at least two, and not more than five members of the Assembly; some gentlemen belonging to the class of landed proprietors, and others connected with commerce; one individual at the least of the legal profession; and that of the persons chosen for the council, it should be endeavoured to take a moderate proportion from different districts of the province, though it will be necessary that a number sufficient to ensure at all times a quorum should be resident at or near the seat of government.

10. "We think that the appointment of the councillors should not be made to last during good behaviour, nor require for its termination the assignment of any fault, but that the Governor should be able to remove them whenever on general grounds he might deem it advisable, reporting his reasons without delay to the Secretary of State.

11. "We would propose the following to be amongst the rules of the council:—That during the presence of the Governor at the seat of government, there should be stated days, not less than two in each month, on which the council shall assemble without a summons.

12. "That

12. "That it may be assembled by the Governor, by special summons, as often, and at such places, as he may think fit.

13. "That at each meeting of the council every member shall be entitled to attend; and that in the issuing of summonses no limitation shall be established, save that rendered necessary by distance or difficulty of communication.

14. "That five shall be a quorum.

15. "That upon the internal affairs of the Province each member of the council shall have the right of suggesting measures, or tendering advice, whether or not upon subjects introduced by the Governor; but that no measures affecting the relations of the Province with the Empire shall be discussed, unless they are brought forward by the Governor.

16. "That the Governor have the power of adjourning any question or subject of discussion, the fact of his doing so being noted on the proceedings.

17. "That the Governor have the power of acting in opposition to the majority of the council; but that when he adopts that determination, he shall enter it on the minutes, assigning his reasons or not, as he may prefer.

18. "That the members of the council have the privilege of recording their dissent on the council books, with or without their reasons, as they may prefer.

19. "That no meeting of council shall be competent to act as such, without the presence of the Governor; but that he shall have the power, as now, to refer business to it as to a committee in his absence, nothing done in that mode taking the form of a proceeding of council, until ratified when the Governor is present.

20. "That the foregoing rule shall be so far qualified in the Governor's absence from the seat of government as to authorize him to ratify, by letter or by any other mode that may be appointed for the purpose, any proceedings of council which could not without injury to the public service be delayed.

21. "That whatever number of members of either branch of the legislature may be included in the executive council, all communications to the Provincial Parliament shall continue to be made, as now, by message.

22. "That no oath of secrecy shall be taken, and that the members of the executive council shall not be considered solemnly bound to secrecy, except on occasions when the Governor may summon them expressly to form a council of secrecy, or resolve any meeting into such a council.

23. "That before any recommendation of an appointment to the legislative council be sent to the Secretary of State, the Governor shall acquaint the executive council with it, and receive any observations they may make upon it; which observations, whether made collectively by the council, or individually by any member or members of it, shall be transmitted to England at the same time with the recommendation of the Governor.

24. "We apprehend that the council must for the present remain charged with the duty of auditing accounts, as the erection of any other board of audit, or the creation of an auditor-general, is properly a subject for the consideration of the legislature.

25. "There can be no hesitation in pronouncing the appellate jurisdiction entirely unsuited to the executive council, and full of objection. We think it far preferable that his Majesty should be empowered to assent to any Act which may hereafter be passed in the province, than that the British Parliament should itself enact a new law on the mode of determining appeals in Canada."

Subscribing, in general, to the justice of each of the preceding recommendations, Her Majesty's Government are of course aware that, of the changes which are thus recommended, there are some which it is not within the limits of the Royal prerogative to introduce and establish. For some of them the sanction of Parliament may be required, and there are others which it must rest with the council itself to adopt, to qualify or to reject; and even with regard to such of the suggestions as are within the constitutional authority of the Crown, there may be questions of some difficulty as to the instruments and forms by which that authority should be exercised.

No. 13.

Lord Glenelg to
Earl of Gosford,
14 July 1837.

I have, therefore, to convey to your Lordship Her Majesty's commands, that you do give effect to such parts of the suggestions of the Commissioners of Inquiry already quoted, as in the exercise of Her Majesty's delegated prerogative it may be competent for you to carry into execution, and that you avail yourself of the earliest opportunity of bringing under the consideration of the council, after the new appointments shall have been made, the question, by what authority and by what instruments can effect be most conveniently given to such of those suggestions as it is beyond the competency of your Lordship, as Governor of the Province, to carry into execution.

I have, &c.

(signed) *Glenelg.*

— No. 14. —

(No. 241.)

COPY of a DESPATCH from Lord *Glenelg* to the Earl of *Gosford*, dated
Downing-street, 14 July 1837.

No. 14.

Lord Glenelg to
Earl of Gosford,
14 July 1837.

My Lord,

IN my Despatch of the 27th May, No. 210, I conveyed to your Lordship his late Majesty's instructions to convene the legislature of Lower Canada for the earliest day at which it could conveniently be called together, and on their meeting, your Lordship was instructed to communicate to the House of Assembly the proceedings which had taken place in Parliament, to assure them of the deep reluctance with which the Government had yielded to the necessity of invoking the interference of the Imperial Legislature, to inform them that the chief object of their being thus convened was to afford them an opportunity of rendering inoperative so much of the proposed Act of Parliament as would rest on the eighth resolution, by voting the funds necessary for the payment of the arrears due to the civil servants of the Crown, and to express the hope that you would thus be enabled to avoid the exercise of the extreme power with which it was the avowed purpose of Parliament to invest you.

In my Despatch of the 29th June, No. 225, I apprized your Lordship that in consequence of the demise of the Crown, and of the approaching dissolution of Parliament, it had been resolved to propose to The House of Commons a vote of credit for the advance, by way of loan, out of the funds of this country, of a sum of money adequate to the payment of the arrears due to Her Majesty's civil servants in Lower Canada.

I have now to announce to your Lordship, that on the 3d instant The House of Commons resolved, that a sum of 142,160 *l.* 14*s.* 4*d.* should be placed at Her Majesty's disposal for this purpose; and that vote having been incorporated into the Appropriation Act, has acquired the force of law.

My instructions of the 22d May have, therefore, to a considerable extent ceased to be applicable to this new and altered state of the question. As it is not now proposed immediately, and in the first instance, to draw the funds from the Provincial Treasury, the motives which dictated even an extreme forbearance in the use of the resources placed by Parliament at your Lordship's disposal have lost some of their original force. Further, as the money necessary for the payment of the debt is now available for that purpose, the motives for proceeding at once to satisfy the demands of the public creditors have acquired some additional strength. It might, therefore, seem that nothing further remained for me than to instruct your Lordship forthwith to draw upon the Lords of the Treasury for the amount of the Parliamentary vote.

At this distance from the scene of action, and under circumstances so new and peculiar, I am, however, unwilling to lay upon your Lordship any inflexible injunction, which in some possible contingencies you might find it imprudent to follow, and hazardous to disregard.

The present is an occasion on which I cannot withhold from Her Majesty's local representative some latitude of discussion, or relieve your Lordship from the responsibility attendant on the exercise of a discretionary power.

It is possible that when this Despatch shall reach Lower Canada, the provincial legislature may, in consequence of my Despatch of the 22d May, have been summoned, and be on the eve of their meeting, or that they may be actually in session. Without too far indulging hopes, resting, as I must confess, on no
very

very definite ground, I yet cannot altogether despair that the Assembly, or that some considerable portion of that House, may be disposed to abandon the course which they have so long pursued. If your Lordship should perceive any satisfactory reasons for such an anticipation, it might be wise to await for a short time the fulfilment of that prospect, even at the expense of leaving the demands of the public creditors for some short time longer unsettled.

Again, it is possible that, in the excitement which unhappily prevails, the Assembly may resort to measures of hostility which it will be indispensable to encounter with firmness, promptitude and decision. In any such emergency, it would be your Lordship's duty at once to proceed to liquidate the debts due to all his late Majesty's civil servants, by bills to be drawn upon the Lords of the Treasury for that purpose.

The time has passed away in which it was right to pause and to deliberate, and if no reasonable hope should present itself of an amicable close of this protracted discussion, it could not be too soon terminated by acting at once upon the Parliamentary vote. I have therefore to convey to your Lordship the authority of Her Majesty's Government, either to draw on the Lords of the Treasury immediately for the sum voted by Parliament, or to defer that measure, if for some brief interval. But it is only a very short postponement which I can, in any case or under any circumstances, sanction. The course on which Her Majesty's Government have most reluctantly entered has been taken under the influence of no light or ordinary motives. To retreat from it, even were retreat now practicable, would be inconsistent with their most deliberate sense of public duty. Deprecating, therefore, every appearance of vacillation where no doubt really exists, it is not without regret that I now convey to your Lordship instructions which contemplate even the possibility of further delay. You will, however, I am convinced, receive and act upon them in the spirit in which they are written, neither blighting any real promise of conciliation by undue haste, nor encouraging the disaffected by any appearance of alarm and hesitation. Either by a grant from the local legislature, or by drafts on the Lords of the Treasury, the payment of the public servants of the Crown in Lower Canada must be effected within a short time after my present Despatch shall have reached your Lordship's hands.

I have, &c.

(signed) *Glenelg.*

—No. 15.—

(No. 242.)

COPY of a DESPATCH from Lord *Glenelg* to the Earl of *Gosford*, dated Downing-street, 14 July 1837.

My Lord,

In my Despatch of this date, No. 241, I have authorized your Lordship to draw upon the Lords Commissioners of the Treasury for the amount of the Parliamentary grant for Her Majesty's service in Lower Canada, and I have also adverted to the possibility of avoiding this measure by a conciliatory adjustment with the House of Assembly. However faint that prospect may be, it is yet necessary that your Lordship should be prepared to encounter a difficulty which might present itself in carrying any arrangement of that nature into effect.

In your Lordship's Despatch of the 23d January, you have calculated at the sum of 142,160*l.* 14*s.* 4*d.* the debt which on the 1st of April 1837 would be due to the civil servants of the Crown in Lower Canada. That calculation has been assumed as the basis of the Parliamentary vote. If your Lordship should be compelled to draw on the Lords Commissioners of the Treasury for the sum so granted by Parliament, your drafts will, of course, precisely correspond in amount with the vote, and will be applied in liquidation of all the demands which form the component parts of the general estimate.

Amongst these items may be particularly noticed the sum drawn from the military chest in 1834, which must of course be repaid to the commissariat. The demands of Lord Aylmer, of Colonel Craig, of Mr. Buchanan, the agent for emigration, and of Mr. Amyott, will be liquidated in this country by the Lords of the Treasury, and the portions of the Parliamentary grant due to those persons you will have to repay into the military chest. I collect from your

Lordship's

No. 15.

Lord Glenelg to
Earl of Gosford,
14 July 1837.

No. 15.

Lord Glenelg to
Earl of Gosford,
14 July 1837.

Lordship's Despatch of 23d April 1836, that Mr. Buchanan's salary has been paid in full up to the 30th of September 1835. The sum to be issued to him by the Lords of the Treasury will therefore be 300*l.*, being the estimated amount of Mr. Buchanan's half salary from 30th September 1835 to the 1st April 1837. The remaining part of that salary will be payable to the gentleman who has officiated for him, to whom also must be paid the sums due for the contingent expenses of the office. Finally, there are some services included among the items which compose the amount of the sum voted by Parliament, to which the Assembly have been accustomed to object, on grounds entirely distinct from those on which their general refusal of supplies proceeded. The Crown is, however, plainly responsible for the payment of these services, as for the others comprised in the same estimate; and in the contingency of your Lordship's availing yourself of the Parliamentary vote at all, there will be no reason for making any distinction unfavourable to this class of claimants.

On the other hand, if the House of Assembly should manifest a conciliatory temper, and should be disposed to vote the supplies, excluding only the debateable items, your Lordship will not on that account refuse to accept the terms which they may offer. In such a contingency, the services in question must be provided for from any balance of hereditary and territorial revenue which may be at your Lordship's disposal. Anxious as I am to avoid any encroachment on that fund, yet for such a purpose it would be wisely and advantageously made.

Reverting, however, to the far more probable supposition, that your Lordship will be compelled to avail yourself of the Parliamentary grant, and to the necessity which would then arise of introducing in the next session of Parliament a Bill to authorize the repayment of the advance from the funds of the Province, it will be necessary that Her Majesty's Government should be able to distinguish precisely, how far the Parliamentary vote has been applied in the liquidation of charges previously sanctioned by the Assembly in principle and precedent, and of charges to which no such sanction has been given. This distinction will be important, as it may perhaps be necessary to reduce, by the amount of the controverted items, the demand to be hereafter enforced against the provincial treasury. At present I cannot make that distinction with entire confidence in my own accuracy, but only with an uncertain and, perhaps, an imperfect approach to the truth.

I have, &c.

(signed) *Glenelg.*

—No. 16.—

COPY of a DESPATCH from the Earl of Gosford to Lord Glenelg,
dated Castle St. Lewis, 25 May 1837.

No. 16.

Earl of Gosford to
Lord Glenelg,
25 May 1837.

My Lord,

THE very violent party, who were alone active in calling a meeting of the county of Richelieu, on the 7th instant, to express their indignation at Lord John Russell's Resolutions, feel much disappointed from the numbers and respectability of the assembly falling so very far short of their expectations. I send you a copy of the Resolutions, and it is unnecessary for me to occupy your time in commenting upon them, as they will speak for themselves. I may, however, state, from authority which I have no reason to doubt, that Mr. D'Eschambant, a seigneur of the county, who is reported in the newspapers of that party to have moved the second resolution, was not present at the meeting, being confined at the time by illness; and that the 10th resolution, for raising a tribute for Mr. Papineau, though reported by the same organs to have passed unanimously, was not even proposed at the meeting. Another meeting of the county of Montreal, and called by the same parties, took place on the 15th instant, at St. Laurent, which was attended by Mr. Papineau, who made a long speech in his usual violent strain, and full of misrepresentations; I also enclose a copy of the resolutions there passed. In order to give your Lordship some idea of the feelings generally prevalent, as regards the political views and objects of the principal actors in these proceedings, I must remark that these meetings were held, one on a Sunday at the church-door, after divine service, and the other on a fête day, for the purpose of swelling the number of auditors, by including

including those who were drawn there for the performance of their religious duties; even with this assistance, the numbers at the meeting of the county of Richelieu, including men, women and children, fell very far short, I am informed, of the statement in "The Vindicator," viz. "upwards of 1,200 freeholders;" and the number at St. Laurent assembly, stated on the same authority to exceed 700, did not, from the accounts I have received from various quarters, exceed, including all descriptions of persons, 300 individuals; which is the more remarkable, from the meeting being held in the most populous county, and within a few miles of the city of Montreal; and I understand that Mr. La Fontaine, M. P. P. for Terrebonne, one of the most ultra of the party, who was to have addressed the meeting, declined from the paucity of hearers. Some other meetings have been held in different parts of the country which have proved failures, and others are in contemplation, which I have no doubt will share the same fate. All this tends to confirm me in the opinion I gave in a former letter, as to the probability of a change in public opinion, and that the Canadians were beginning to discover the real views of the ultras. I must, however, here observe, that the feeling against the Imperial Parliament, authorizing the taking of the money out of the chest, is very strong, and even those who reprobate the withholding of the supplies by the Assembly cannot refrain from an expression of disapprobation at this part of Lord John Russell's Resolutions. I cannot contemplate the present posture of affairs without considering how far it may be desirable, should the sentiment of distrust against the Papineau party, to which I have alluded, become more marked and decided, to dissolve the Parliament; and, indeed, my present impression inclines me to a dissolution; for a new Parliament would, I conceive, possess materials much more likely than the existing one, to appreciate any measures you might adopt for meeting the difficulties under which the Province is now labouring; and should such measures be of a conditional nature, that is, to be enforced in the event of a continued refusal on the part of the Assembly to permit the government to go on, it would have a still greater chance of acceptance, and thus the more obnoxious course of applying the money without the consent of the representatives here might become unnecessary. If, in addition to this, the Legislative Council should be at the same time liberalized, and an efficient executive council established, matters might get on smoothly. You may know of difficulties and impediments to this plan, of which I cannot see the force. Nothing is more erroneous, in my opinion, than the supposition that the French Canadians are a disloyal body. I have every reason to believe the contrary; I have not the slightest apprehension of any serious commotion coming out of these meetings, which, as far as regards the district of Montreal, are planned and concocted, and the resolutions framed by the same individuals, few in number, who it is understood are desirous of substituting a republican for the existing form of government.

I have, &c.

(signed) Gosford.

Enclosure 1, in No. 16.

MEETING of the County of *Montreal*.

On motion of Mr. Pascal Persillier Lachapelle, of Cote des Neiges, seconded by Mr. Joseph Binet, of St. Genevieve:

Resolved, 1. That the Resolutions submitted by Lord John Russell in the House of Commons, on the 6th of March last, in the name of the British ministry, destroy, *de facto*, the rights and liberties of the people of this province—rights and liberties which we regard as birthrights of the British subject, solemnly proclaimed by the Declaratory Act of the 18th Geo. 3.; that this violation is the more particularly odious, inasmuch as it is accompanied by the acknowledgment of the justice of the complaints of the country, as far as regards the vicious constitution of the Legislative Council, one of the principal causes which obliged the representation of this colony to refuse supplies, in order to obtain the redress of that grievance whence proceed all the abuses which oppress this province.

Encl. 1, in No. 16.

No. 16.

Earl of Gosford to
Lord Glenelg,
25 May 1837.

Encl. 1, in No. 16.

On motion of André Jobin, Esq., M. P. P., seconded by C. S. Cherrier, Esq., M. P. P. :

Resolved, 2. That the people of this province had reason to expect, by the recall of the late Governor-in-chief, that his successor would pursue a more just, more liberal, and franker policy ; that they have been disappointed in that expectation by perceiving that the old system of deception and of intrigue accompanies all the acts of the present administration ; that all that is unjust and atrocious in the plan of coercion, projected by the British ministry, is the suggestion of the present Governor and of his associates, who, representing themselves as missionaries of peace and conciliation, have employed that means only the better to deceive, and who, at the very moment that they were making promises of extensive reforms, were soliciting the interference of the Imperial Parliament, in order that it might have recourse to force to rob us of our rights.

On motion of Captain Stanislaus David, of Sault au Recollet, seconded by Mr. Frans. Tavernier, of Montreal :

Resolved, 3. That when we demanded the intervention of the Imperial Parliament for the good government of this province, we did so in explaining the manner in which it should grant us the reforms prayed for by the great majority of the people of this country ; that it is not in accordance with European views, or the recommendations of individuals, strangers to the country and its social state, that our political institutions ought to be changed, but only in accordance with our own wishes and recommendations expressed by our freely chosen representatives, who alone are competent to know the wants which they participate in common with us, and to reform those institutions, the direful effects of which they feel as well as we ; that we repudiate beforehand the feeble palliatives which it is pretended to apply to the evils whose source is left untouched ; and that we persist in demanding, by the extension of the elective system, institutions analogous to those of the former New England colonies, as the only ones which are suitable to our state of society ; which can alone put an end, in Canada, to those odious national distinctions which we abhor, and serve as a basis for good government therein.

On motion of Mr. Joseph Labelle, of Pointe Claire, seconded by Mr. Francis Quenneville, of St. Laurent :

Resolved, 4. That the treacherous policy pursued by Archibald Earl of Gosford, conjoined with the tyrannical measures proposed by the ministers, and supported by a majority in the House of Commons, deprive colonists of all hope of receiving justice from the metropolitan authorities, until men of more just and liberal principles shall have the direction of the Councils of State ; that consequently, we beseech our representatives, our fellow-citizens in the other counties of the province, our brother colonists of the neighbouring provinces, not to follow any longer the degrading routine of seeking from the King, the Lords, and their vassals in the House of Commons, that justice which we expected at their hands only when we know them not.

On motion of Dr. Valois, J. P., of Pointe Claire, seconded by Mr. Ludger Duvernay, of Montreal :

Resolved, 5. That under existing circumstances it is urgently necessary to have recourse, in the first instance, to some means of draining the source of that revenue of which it is the object of the ministerial measures to rob us, in order to paralyse the attack aimed against our rights and liberties.

On motion of Mr. Urbain Desrochers, of Pointe aux Trembles, seconded by Mr. Remi Le Cavalier :

Resolved, 6. That the revenue which our oppressors propose unconstitutionally to seize, is raised principally from rum, brandy, wine, tea, sugar and tobacco, regularly imported and paying import duties at the Custom-houses ; that public and private happiness would be most beneficially promoted by the total abstinence from wines and spirituous liquors, and that we strongly recommend such abstinence to our fellow-citizens ; that we recommend, in the next place, those who do not subscribe to total abstinence from these articles, to make use only of such as will be manufactured in the country ; and in the third place, as regards such articles as cannot be raised or manufactured in the country, to use those only that shall be smuggled from the United States.

On motion of Capt. J. Bte. Cadieux, of Pointe aux Trembles, seconded by Mr. Francis Malo, of the same place :

Resolved, 7. That another large portion of the provincial revenue is raised from a duty of two-and-a-half per cent. on merchandize manufactured in the United Kingdom of Great Britain and Ireland, paid on their entry at the ports of this province, and that a large portion of this description of goods, especially linens, woollens and cottons, may be fabricated in this country, or imported from the United States ; that we pledge ourselves,

ourselves, and recommend our fellow-citizens to use the latter in preference, especially when they are aware that such articles shall be manufactured in this province or smuggled; that we will encourage particularly the establishment of manufactures in this province, and regard as well-deserving of the country those who establish or encourage the said manufactures; that we do not adopt these measures through hatred of the English people, whom we respect and thank for the sympathy which they manifest for their oppressed Canadian brethren, but through hatred of those injustices which their aristocracy, Whig and Tory, commits against us, and to interest them to break the iron sceptre of their and our oppressors.

Earl of Gosford to
Lord Glenelg,
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On motion of Mr. P. P. Lachapelle, jun., of Lachine, seconded by Mr. Joseph Cardinal, of Cote des Neiges :

Resolved, 8. That whilst we have nothing to expect from the other side of the Atlantic but injustice, we may alleviate it, and perhaps render it entirely innocuous, by cultivating frequent and friendly communications with our happy and industrious neighbours of the United States of America :—that nothing can better advance the prosperity of the country than the extension of our trade with them; and that the petition wisely adopted by the reformers of Upper Canada, at a recent date, be proposed for the general acceptance of the people of this province, to be presented to the Congress of the free and happy United States of America at its next session.

On motion of Capt. Dubreuil, of Pointe aux Trembles, seconded by Capt. Joseph Monarque, of Rivière des Prairies :

Resolved, 9. That in case the unconstitutional measures proposed by ministers be adopted, this meeting hopes that the representation of the country will never degrade itself to such a degree as to sanction such usurpations, by voting supplies, so long as justice will be refused to the country.

On motion of Mr. Joshua Bell, of Montreal, seconded by Mr. Simon Valois :

Resolved, 10. That the most lively gratitude of the inhabitants of all the British Colonies is due, and the most sincere thanks of this meeting is tendered, to the eloquent and virtuous minority, which truly proved, in the House of Commons, that their love of justice embraced the empire in all its extent, and caused it to respect the rights of man in general, and those of the British Colonies in particular; that we seize this opportunity to express our thanks equally to the working men of London, and the other English reformers, who have raised their voices in favour of an oppressed colony, and who have perceived that to trample our rights and liberties under foot, was to establish a dangerous precedent, and pretext for an attack on the rights and liberties of the English people also; that we are highly sensible of their sympathy, which we duly appreciate, as well as that of our brother reformers of Toronto, who have also protested against the violation of our common rights.

On motion of Joseph Antoine Gagnon, Esq., J. P., seconded by Mr. Fleury St. Jean :

Resolved, 11. That we applaud the efforts of our brother colonists and reformers of Nova-Scotia, whose representatives have recently demanded the introduction of the elective principle into the council forming part of their legislature, a government responsible to the Commons of the Colony, and the control by the people over all the public revenues, together with other reforms for the general good; that these demands and complaints have for their source the same evil system of government which has for a long time called forth the similar complaints on our part; that we are ready to second the efforts of the reformers of Nova-Scotia, and to co-operate with them.

On motion of Mr. Joseph Letourneau, of the Tanneries, seconded by Mr. Francis Leonard :

Resolved, 12. That in the present critical state of colonial liberty, it is of primary necessity that the people of this province make further arrangements for the protection of their constitutional rights, and, with that view, we recommend our brother reformers to elect delegates to a General Convention (of which the members of the Legislative Council and of the House of Assembly, approving of and countenancing the anti-coercion county meetings now in progress, shall be ex-officio members) to be held, in the course of the summer, at some central and convenient place. That the said convention might in our opinion, in addition to the ex-officio members aforesaid, be formed of delegates from the several counties, cities and boroughs, in the proportion of twice the number of representatives elected by them to the House of Assembly; and that Messrs. Dr. Valois, E. R. Fabre, George Watson, Louis Roy Portelance, Thomas M'Naughton, Urbain Desrochers, P. P. Lachapelle, Stanislaus David, John Dillon, J. Bell, Joseph Ant. Gagnon and Joseph Letourneau, be and they are hereby elected to represent the City and County of Montreal in the said General Convention.

On motion of Mr. John Dillon, of Long Point, seconded by Mr. Louis Verdon, of St. Laurent :

Resolved, 13. That a permanent committee, which shall have power to add to its number, be now named to watch over the political interests of this country; to corre-

spond

No. 16.

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Encl. 1, in No. 16.

spond on our part with the other counties throughout this and the sister provinces; to adopt such measures as to them may seem, from time to time, necessary to protect our rights, and advance the cause of good government within these colonies; and to carry into execution, as far as will be within their power, the various recommendations, suggestions and determinations agreed to by this meeting.

Enclosure 2, in No. 16.

MEETING of the County of *Richelieu*.

Encl. 2, in No. 16. On motion of Dr. W. Nelson, seconded by Mr. J. B. Auger :

1. Resolved, That we have seen with feelings of the most lively indignation, the Resolutions proposed for adoption in the House of Commons on the 6th March—Resolutions, the necessary effect of which will be to destroy, henceforward, all security for freedom and good government within this province.

On motion of L. F. Deschambault, Esq., seconded by Captain Jalbert :

2. Resolved, That the adoption of the said Resolutions is a flagrant violation, on the part of the House of Commons, and of the Government which proposed them, of the capitulation, treaties and constitutional acts granted to this country; that these acts and treaties, requiring reciprocal obligations—on our part love and obedience, and on the part of Great Britain, protection and security for our liberty—become virtually annihilated by the violation of its promises by one of the contracting parties.

On motion of Ol. Chamard, Esq., seconded by J. B. Mignault, Esq. :

3. Resolved, That under these circumstances, we could no longer look on the Government which would have recourse to injustice, violence, and a violation of the social contract, except as an oppressive power—a Government of force—the extent of our submission to which must henceforth depend on our numerical strength, united with the sympathy which we shall experience elsewhere.

On motion of H. Moger, Esq., seconded by Mr. Al. Marchesseau :

4. Resolved, That the Machiavelian policy which has accompanied all the acts of the Government since the cession of the country; the bad faith which has characterized them up to the present time; the imbecility apparent in every page of the Commissioners' Reports, and in the speeches of the King's ministers, who do not blush to allege our division and our small number as motives for refusing us justice, inspire us only with the deepest disgust and the most sovereign contempt for men who rule over one of the greatest, the noblest people on earth, and for those who support such a Government.

On motion of J. B. Durocher, Esq., seconded by Captain Cote :

5. Resolved, That the people of this country have long been expecting justice, first from the Colonial Administration, next from the Metropolitan Government, but always in vain;—that during 30 years, fear has broken some of our chains, whilst unbridled lust of power imposed on us others more heavy, the high opinion which we entertained of the justice and honour of the English people inducing us always to hope that the Parliament representing them would redress our grievances:—that this last hope having been disappointed, obliges us to renounce for ever the idea of seeking for justice from the other side of the Atlantic; and, finally, to acknowledge how grossly the country has been deceived with false promises, which led us to fight against a people that offered us liberty and equal rights, in favour of a people preparing for us slavery; and sad experience obliges us now to acknowledge that our friends and natural allies were on the other side of line 45°.

On motion of Captain Beaulac, seconded by Captain H. Chappedelaine :

6. Resolved, That we deny to the British Parliament the right of legislating on what concerns the internal affairs of this Colony, unless with our consent, our participation and at our express demand; that the non-exercise of such a right by England was guaranteed to us by the constitution, and acknowledged by the metropolitan authority, when it feared that we should accept the offers of liberty and independence made to us by the neighbouring Republic:—that consequently we regard as null, and of no avail, the Tenures Act, the Canada Trade Act, the Act incorporating the British American Land Company, and the Act which will doubtless be passed on the Resolutions introduced in the House of Commons.

On

On motion of Mr. A. Ducharme, seconded by Mr. P. Tetreau :

7. Resolved, That henceforth, considering ourselves attached by force to the British Government, we will be subject thereto only as to a government of force, waiting on God, our right and on circumstances for a more favourable lot, the blessings of liberty, and a more just government ; that, as notwithstanding our public revenue, of which the metropolitan authority dares to dispose-without our control, is about to become in its hands another means of our oppression, we regard ourselves bound in duty as in honour to resist a tyrant power, in every way at present at our disposal, in order to diminish inasmuch as in us lies the means of oppression.

Earl Gosford to
Lord Glenelg,
25 May 1837.

Encl. 2, in No. 16.

On motion of Capt. L. Doyon, seconded by Mr. L. Metivier :

8. Resolved, That we will abstain, as much as in us lies, from consuming imported goods, particularly those which pay the higher rates of duties, such as tea, tobacco, sugar, rum, &c.—that we will consume in preference the manufactures of the country :—that we will regard as well deserving of the country, whoever shall establish manufactures, whether of cloth, linen, sugar, spirits, &c. :—that considering the Trade Acts as null, we will regard as lawful the traffic denominated contraband, and will endeavour by all means to favour it, considering those as deserving well of the country who shall embark therein, and as infamous, whoever becomes informer against them.

On motion of Charles Olivier, Esq., seconded by Mr. Charles Lebeau :

9. Resolved, That for the purpose of rendering these Resolutions more efficient, this meeting is of opinion that a patriotic association should be organized, the centre of which would be either at Quebec, Montreal or elsewhere, with a view to encourage, by all means in our power, the non-consumption of any goods but those manufactured in the country, or imported hither without paying duties :—that to that end a committee of ten members (with power to add to their numbers) be formed, to communicate with other committees which may be named in other counties :—that the said committee be composed of Messrs. Boucher-Belleville, J. B. E. Durocher, Ol. Chamard, Jos. Ed. Mignault, F. X. Poitevin, L. Moger, Dr. Dorion, Capt. Beaulac, L. Chappedelaine, and Moyse Duplessis :—that these ten gentlemen have power to name, from among them, two persons to represent this county in any Convention which will hereafter meet.

On motion of H. Laparre, seconded by Mr. Dudevoir :

10. Resolved, That for the better regeneration of this country, it is necessary for us all, after the example of Ireland, to rally around one man :—that God has marked such a man, like O'Connell, to be a political chief—the regenerator of a people :—that for that purpose He has endowed him with a strength of thought and eloquence unsurpassed, a hatred of oppression, a love of country, which no promises nor threats of power can destroy :—that that man, already pointed out by the country, is Louis Joseph Papineau ; that this meeting, taking into consideration the happy results obtained in Ireland from the tribute denominated "*The O'Connell Tribute*," is of opinion that a similar tribute, under the name of "*The Papineau Tribute*," ought to be established in this country ; and that the committees of the non-Importation Association should take upon themselves to provide for the collection of the same.

On motion of Mr. Simon Marchesseau, seconded by Mr. Ant. Lorendeau :

11. Resolved, That this meeting cannot separate without offering its most sincere thanks to the few but zealous and able speakers who supported our cause in the House of Commons, as well as to those honest and virtuous men who voted with them :—that the working men of London, who, with a spirit of liberality and justice worthy of a free people, have presented a Petition to the House of Commons in favour of our unfortunate country, are entitled to our deepest gratitude :—that our friends and brethren of the Political Union of Toronto are equally deserving of our thanks, for the sympathy which they have expressed in our regard in a series of Resolutions passed on the 17th ult., against the measures of coercion proposed by ministers.

On motion of S. Cherrier, Esq., seconded by Mr. Godefroy Cormier :

12. Resolved, That this meeting is convinced, that at a general election with which the country is threatened at the instigation of weak and perverse men as ignorant of public opinion at the present crisis as they are devoid of all influence, the electors will testify their gratitude towards their faithful representatives by electing them anew, and by rejecting those who have forfeited their promises and their duty ; who have betrayed the country either by siding with our enemies, or by absenting themselves, like cowards, when the country expected from them the honest expression of their opinion.

S. Cherrier, President.

J. P. Boucher-Belleville, Secretary.

— No. 17. —

(No. 59.)

COPY of a DESPATCH from the Earl of *Gosford* to Lord *Glenelg*, dated
Castle St. Lewis, Quebec, 10 June 1837.

No. 17.

Earl of Gosford to
Lord Glenelg,
10 June 1837.

My Lord,

IN consequence of meetings held and about to be held in different parts of the province, I cannot conceal from you my impression, that a system of organization, under the influence and guidance of Mr. Papineau, and a few designing individuals ready to execute his purposes, is at this moment going on.

The primary and ostensible object of Mr. Papineau's plan seems to be, to procure a public expression of indignation against the ministerial measures, and eventually to excite a hostile feeling against the government, and to establish a convention which he expects will overawe the constituted authorities, and thus carry all his destructive views into execution.

Under this conviction, I am prepared to adopt prompt measures, should they be necessary, to check the evil in its infancy. I contemplate therefore issuing a proclamation, warning the people against the misrepresentations and machinations of the designing, and exercising the discretion you confided to me, for increasing the military force here, by despatching your letter to Sir Colin Campbell, with a request for one of the regiments now stationed at Halifax.

I must repeat, that these steps would not be dictated by the apprehension of any serious commotion, for I have every reason to believe that the mass of the Canadians are loyal and contented, but from the persuasion that the presence of a larger military force in this province might of itself prevent the occurrence of any disturbance, by deterring the ill-disposed, securing the wavering and giving confidence to the timid.

I have, &c.

(signed) *Gosford*.

— No. 18. —

(No. 60.)

COPY of a DESPATCH from the Earl of *Gosford* to Lord *Glenelg*, dated
Castle of St. Lewis, Quebec, 15 June 1837.

No. 18.

Earl of Gosford to
Lord Glenelg,
15 June 1837.

My Lord,

WITH reference to my Despatch of the 10th instant (No. 59), I have the honour to acquaint you, that for the reasons therein stated, I thought it advisable on further reflection at once to forward your letter to Sir Colin Campbell, with a request that he would send to this province one of the regiments under his command; and I have also, with the advice of the executive council, this day issued a proclamation, of which I enclose a copy for your Lordship's information.

(signed) *Gosford*.

Enclosure in No. 18.

Province of Lower Canada.

Encl. in No. 18.

His Excellency the Right honourable *Archibald* Earl of *Gosford*, Baron *Worlingham* of *Beccles*, in the county of *Suffolk*, Captain-General and Governor-in-Chief in and over the Provinces of Upper Canada and Lower Canada, Vice Admiral of the same, and one of His Majesty's most honourable Privy Council, &c. &c. &c.

A PROCLAMATION.

WHEREAS certain of His Majesty's subjects in different parts of this Province, have recently held public meetings, and thereat adopted resolutions having for their object the resistance of the lawful authority of the King and Parliament, and the subversion of the laws, on the observance of which, the welfare and happiness of all His Majesty's subjects, under
Divine

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No. 18.

Divine Providence, chiefly depend: And whereas at such meetings, evil disposed and designing men, the instigators thereof, have by artifice and misrepresentation, endeavoured to spread abroad statements and opinions inconsistent with loyal duty to His Majesty, and with the acknowledged principles of the constitution, injurious to the lawful authority of His Majesty and of His Parliament, and tending to persuade His Majesty's subjects that they are absolved from their allegiance, that they can no longer depend on the parent state for justice and protection, and that they must seek for the same, when a convenient opportunity offers, by other means:

And whereas it is both my resolution and my duty to maintain and defend to the utmost, against all such unlawful proceedings and attempts, the undoubted prerogatives and powers of His Majesty and of His Parliament, in order to maintain and secure the institutions both civil and religious, of His Canadian subjects, and to preserve peace and good government in this province:

And whereas upon the occasions aforesaid, representations have knowingly been made, entirely devoid of truth, for the purpose of inducing His Majesty's subjects to swerve from their allegiance, and of producing a belief that the Parliament of the United Kingdom has violated or intends to violate the just rights and privileges of His Majesty's subjects in this province, and is about to adopt oppressive measures towards them:

Being desirous of undeceiving such as may unwarily have been led to rely upon such untrue and mischievous representations, it has become my duty, as the representative of His Majesty, to address myself most earnestly to the people of this province, in the confidence that they will listen to the language of reason, respect unanimously those precepts of just subordination inculcated by the laws of their country, and by no act of reckless indiscretion, either compromise their present happiness and future prosperity, or permit those permanent interests to be compromised by others;—

I do therefore, by and with the advice and consent of His Majesty's executive council of this province, hereby most solemnly exhort all the subjects of His Majesty in this province, to unite in the cause of peace and good order, to discontinue all writings of an exciting and seditious tendency, and to eschew all meetings of a dangerous or equivocal character; and I do hereby enjoin and strictly command all magistrates in and throughout the province, all officers of militia, peace officers and others His Majesty's good subjects therein, to oppose and frustrate the insidious designs adverted to in this proclamation, and to preserve by their loyal co-operation, the vigour and inviolability of the laws, on which their religion and future happiness depend.

Given under my hand and seal at arms, at the Castle of St. Lewis, in the city of Quebec, the fifteenth day of June One thousand eight hundred and thirty-seven, and in the seventh year of His Majesty's reign.

By his Excellency's command,

D. Daly,
Secretary of the Province.

— No. 19. —

(No. 245.)

COPY of a DESPATCH from Lord *Glenelg* to the Earl of *Gosford*, dated
Downing-street, 22 July 1837.

My Lord,

I HAVE had the honour to receive your Despatch of the 15th June, No. 60, reporting the measures which you had felt it your duty to adopt, in consequence of certain proceedings which had occurred at public meetings in Lower Canada, called for the purpose of expressing opinions on the resolutions, relative to Lower Canada, lately passed by both Houses of the Imperial Parliament.

Her Majesty commands me to convey to you Her approbation of the measures which you have reported, although the Queen deeply regrets that any circumstances should have occurred to render them necessary. Fully appreciating, however, the difficulty of the situation in which you are placed, Her Majesty feels assured that, with the forbearance and self-command necessary to the safe conduct of the public affairs of Lower Canada in the present exigency, you will combine such decision and firmness as will effectually establish the public confidence if it should unhappily be necessary to resort to the use of the powers with which the law has entrusted you.

I have, &c.

(signed) *Glenelg.*

No. 19.

Lord Glenelg to
Earl of Gosford,
22 July 1837.

No. 20.

Lord Glenelg to
Earl of Gosford,
25 July 1837.

— No. 20.—

(No. 248.)

COPY of a DESPATCH from Lord *Glenelg* to the Earl of *Gosford*, dated
Downing-street, 25 July 1837.

My Lord,

I HAVE had the honour to receive your Despatch of the 25th May, marked "Confidential," enclosing extracts from the "Vindicator" newspaper, in which are detailed the proceedings at two public meetings called to express opinions on the resolutions, respecting Lower Canada, lately passed by both Houses of the Imperial Parliament. I need not assure your Lordship of the deep interest with which I regard the present state of Lower Canada, although I confidently trust that nothing will occur to disturb the public peace. Your Lordship will of course keep me regularly informed of all proceedings which may in any way bear on the great questions at present in debate in the province.

I have, &c.

(signed) *Glenelg*.

— No. 21.—

EXTRACT of a DESPATCH from the Earl of *Gosford* to Lord *Glenelg*, marked
"Confidential," and dated Castle St. Lewis, 26 June 1837.

No. 21.

Earl of Gosford
to Lord Glenelg,
26 June 1837.

WITH reference to the Despatches which have passed between us on the subject of appointments to the Legislative and Executive Councils, I am induced to forward the enclosed list of names, with such observations annexed to each as may perhaps afford you some assistance in arriving at a conclusion as to their qualifications and fitness for those bodies. I have had considerable difficulty in making out this list, and though I cannot take upon myself to affirm the complete accuracy of all the remarks, yet, judging from the sources I have had recourse to for information, and from my knowledge of many of the individuals comprised in the list, I am inclined to think it is as correct as, considering all things, could be expected. I have not placed the names on the list in the order in which they should be selected; indeed I found I could not do this without some personal knowledge of each of the individuals mentioned in it. With reference to the list of those whom, in my Despatch of the 26th April 1836, I recommended for seats in the Legislative Council, recent events have led me to doubt the propriety of placing some of them in that branch of the Legislature. Should it be thought desirable to increase the Legislative Council beyond the additional 10 recommended, I have only to refer you for selection to Enclosure No. 1.

I regret not having forwarded you the list sooner, but you can form no idea of the difficulty and time it took to prepare it.

Enclosure 1, in No. 21.

LIST of NAMES and REMARKS.

Enclosure 2, in No. 21.

Encl. 2, in No. 21.

LIST of Gentlemen recommended by the Earl of *Gosford* to be appointed to the
Legislative Council of Lower Canada.

1. Hertel de Rouville.
2. John Neilson.
3. Melchier Alphonse de Salaberry.
4. Janvier Denteuil Lacroir.
5. Amable Dionne.

6. C. C. Sabrevois de Bleury, M. P. P.
7. John Pangman.
8. Gabriel Marchand.
9. Malcolm Fraser.
10. René Edouard Caron.

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Enclosure 3, in No. 21.

NAMES of Gentlemen recommended by the Earl of *Gosford* for Seats in the Executive Council of Lower Canada.

1. Pierre Dominique Debartzch, Legislative Councillor.
2. Dominique Mondelet, Honorary Executive Councillor.
3. Fred. Auguste Quesnel, King's Counsel at Montreal.
4. John Neilson.
5. Elzéar Tachereau, Seigneur.
6. George Vanfelson, Advocate at Quebec.
7. Andrew Stuart - ditto, and M. P. P.
8. Hector Simon Huot, ditto and ditto.
9. René Edoward Caron, Advocate, and late Mayor of Quebec.
10. Jaques Viger, late Mayor of Montreal.
11. William Sheppard, Merchant, Quebec.
12. George Pemberton - ditto - ditto.
13. Louis Panet, Notary-public, Quebec.

No. 21.

Earl of Gosford to
Lord Glenelg,
26 June 1837.

Encl. 3, in No. 21.

— No. 22. —

COPY of a DESPATCH from Lord *Glenelg* to the Earl of *Gosford*, dated
Downing-street, 22 August 1837.

No. 22.

I HAVE received your Lordship's Despatch of the 26th June, marked "Confidential," enclosing lists of the gentlemen whom you propose to advance to seats in the Legislative and Executive Councils of Lower Canada.

Lord Glenelg to
Earl of Gosford,
22 August 1837.

Before this Despatch can reach your Lordship, you will probably, in pursuance of my instructions of the 14th ultimo, No. 240, have appointed to the Executive Council nine of the thirteen gentlemen whose names appear in the Enclosure, No. 3, to your Despatch of the 26th June. In preparing that list, your Lordship would seem to have assumed that provision would have been made by Parliament for relieving the Executive Council from their judicial duties, and that consequently there would be an end of the impediment which has hitherto virtually excluded from that body all gentlemen engaged in the active pursuit of the legal profession as advocates. The list, therefore, comprises five names drawn from that class. You were entitled to act on this anticipation, which, but for the demise of the Crown, and the consequent dissolution of Parliament, would probably have been verified. But as for the present, at least the judicial powers of the Executive Council remain, and as every member of it appointed by royal mandamus is qualified for the exercise of them, and is therefore incompetent to practise at the bar of that tribunal, it would be unreasonable to expect that Messrs. Vanfelson, Stuart, Huot, Palet or Mondelet would accept an office involving so serious a professional sacrifice. The same objection might seem to apply to the case of M. Quesnel, who is also a member of the bar; but I understand, from private intelligence, that he has retired from the pursuit of that profession. He may, therefore, not feel any objection to disqualify himself for advocating appeal causes.

Thus, from the list contained in the enclosure No. 3, five names must for the present be excluded in the choice to be made by the Queen, and the persons immediately eligible by Her Majesty are reduced to the number of eight. As, however, the difficulty does not apply to the case of appointments made provisionally by the Governor, and without a royal mandamus, I conclude that the five gentlemen in question, or some of them, will be Executive Councillors, in virtue of nominations made by your Lordship in exercise of the authority of which you are in possession. Considering the influence exercised in the local society by the faculty of advocates, how large a proportion of the persons most distinguished for ability in public affairs are of that profession, it seems of importance that several members of the Executive Council should be lawyers.

I should have wished to submit to the Queen, without any alteration, the list as prepared by your Lordship; but the difficulty to which I have referred has obliged me to take another course. I think it best that for the present five only of the gentlemen recommended by your Lordship should receive appointments directly from the Crown; and I transmit herewith the necessary instruments, nominating Messrs. Debartzch, Quesnel, Neilson, Caron and Pemberton. There seems to be no reason why each of them should not at once be called to the Council Board by royal mandamus.

Thus the Executive Council will for the present consist of the five gentlemen just mentioned, and of any others whom your Lordship may have provisionally appointed,

No. 22.

Lord Glenelg to
Earl of Gosford,
22 August 1837.

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appointed, and of the former members Messrs. John Stuart, Heney, Smith, Delery and Cochrane. But I am led to think that Messrs. Smith, Delery and Cochrane will avail themselves of this opportunity of resigning their seats; and in this case you will convey to them the expression of the grateful sense which Her Majesty entertains, and has commanded me to express of the value of the services rendered by them as members of the Executive Council.

Your Lordship is aware that it had been the intention of Her Majesty's Government to re-compose entirely the Executive Council, and with that view to cancel all the existing appointments. If this course had been taken I should have recommended to the Queen to include Messrs. John Stuart and Heney in the new list, so that the present measure will be in substance, though not in form, identical with that which was contemplated, with the exception that the councillors practising at the bar will not hold their seats by the direct nomination of Her Majesty.

In your Lordship's Despatch of the 26th June, you have supplied a list of ten gentlemen to be added to the Legislative Council of the province, I have accordingly submitted their names to the Queen, and have the honour to enclose the necessary instruments under Her Majesty's signet and sign manual, appointing them to be legislative councillors for Lower Canada. You will have the goodness to intimate to each of these gentlemen, that although Her Majesty has been graciously pleased to approve and confirm your selection of them, yet that as this addition is made to the Legislative Council at a time when the deliberations of Parliament respecting the constitution of that body have been suspended, and are about to be resumed, they must enter the council on the clear understanding that they hold their seats subject to any modification which it may be the pleasure of the Legislature to make in the existing law.

It remains only for me to observe, that I have, to the best of my power, inquired and satisfied myself that, in the selection of the names to be added to both councils, regard has been had to the principles by which the Commissioners have advised that the choice should be regulated. I refer especially to their advice as to the professions and places of residence of the members, their tenure of offices of emolument under the Crown, and the introduction into the Executive Council of a certain proportion of members from either branch of the local legislature. On this subject, however, it is of course impossible for me to advance beyond the assertion of the general principle, that the advice of the Commissioners is to be strictly followed, and the expression of my confidence that, if by any oversight or inadvertence any departure from it has occurred in the selection which your Lordship has made, you will report the fact to me, in order that the error may be promptly corrected.

I have, &c.

(signed) *Glenelg.*

— No. 23. —

EXTRACT of a DESPATCH from the Earl of *Gosford* to Lord *Glenelg*,
dated Castle of St. Lewis, 4 July 1837.

No. 23.

Earl of Gosford
to Lord Glenelg,
4 July 1837.

LEST you should draw your conclusions of what is going on here from such statements as those made in the "Minerve" and "Vindicator" newspapers, I am induced to write a short letter, merely to acquaint you that Mr. Papineau with a few of his party have been actively employed in attending meetings in different parts of this province, with the view of exciting and inflaming the minds of the people (nominally) against Lord J. Russell's Resolutions; but in fact, to disseminate doctrines of an illegal and seditious tendency. The papers above mentioned would lead you to suppose that Mr. Papineau's efforts have been attended with great success; but from all the reports which have been made to me of the proceedings at these meetings, I am led to conclude that the accounts given in those journals are, to say the least, greatly exaggerated; indeed, in some instances the results have been what may be called a failure. Mr. Papineau is, from all I can learn, losing ground. The country is quiet. Though I should imagine that Mr. Papineau's party have emissaries employed in various directions working mischief, it requires caution and vigilance; but I do not see any ground for apprehending any thing like serious commotion.

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— No. 24. —

No. 24.

Earl of Gosford
to Lord Glenelg,
11 July 1837.

(No. 69.)

COPY of a DESPATCH from the Earl of *Gosford* to Lord *Glenelg*, dated
Castle of St. Lewis, Quebec, 11 July 1837.

My Lord,

IN my Despatch of the 15th ultimo (No. 60), I informed your Lordship, that in consequence of the meetings for objects of an illegal nature, held and about to be held in different parts of the province, I had deemed it necessary to issue the proclamation of which I enclosed you a copy, and to request from Sir Colin Campbell a reinforcement of the troops here, to the extent of one regiment; and I now propose to acquaint you with the steps I have taken, and the events that have occurred in this matter since the transmission of that Despatch.

Shortly after the issuing of the proclamation, and in order to publish it as extensively as possible, I took advantage of the assemblage and review of the militia, which occurs annually throughout the province on the 29th of June, to order, as captain-general of that body, that the proclamation should be read at the head of each regiment. This order was complied with in the great majority of instances, but in some I believe it was disobeyed, and even treated with contempt. I have not, however, yet received any official information on these points, except in one case, that of Lieut.-Colonel Raizenne, commanding the 3d battalion, in the county of Two-Mountains, where the spirit of violence and agitation has most strongly developed itself. This individual declared his intention not to read the proclamation, in a letter addressed to the provincial secretary for my information, the tone and tenor of which was such as to aggravate the offence. I have accordingly caused it to be intimated to Mr. Raizenne, that in consequence of disobedience to orders, His Majesty had no further need of his services. Some of the magistrates also have, I am informed, acted improperly on this occasion. One, a Dr. M. F. Valois, of the county of Montreal, whose conduct has been officially brought before me, I have called on for an explanation, and if it be not given, or prove unsatisfactory, I shall feel it my duty at once to strike him out of the commission of the peace.

No one can regret these measures more than myself, but a few examples appear to be necessary, and will, I believe, have a very salutary effect, especially as it has been part of the policy of the ill-disposed to create an impression that the Government is unwilling or unable to act, and that it may be set at defiance with impunity.

From the best information that has reached me, I have reason to think that the proclamation has been useful, for although a few meetings have been held subsequently to its appearance, yet I believe they have proved failures, and are scarce worth noticing. Mr. Papineau has been recently visiting various parts of the district of Quebec, for the purposes of agitation, but apparently with very little success.

Before quitting the subject of meetings, I must mention one that took place on the 6th instant, in the city of Montreal, of quite an opposite nature to those I have already noticed. It was called by a requisition signed by upwards of 1,200 individuals, and was far more numerously attended than any that had yet been held, the numbers being estimated at about 4,000, amongst whom were many of French Canadian origin of great respectability, and some who had hitherto gone with the Papineau party. The objects of the resolutions that were passed, four in number, and copies of which are enclosed, are to justify the measures of the Imperial Parliament, on the ground of their being rendered necessary by the refusal of the Assembly to grant the requisite appropriations for the administration of justice and the support of the civil government of the province; to disapprove of the conduct of the Assembly in refusing to proceed with the public business; to reprobate, in strong terms, the resolutions adopted and measures recommended at the meetings of the opposite party; and, finally, to express a conviction that all real grievances will be fully redressed by His Majesty's Government, and that a continued connexion of the province with Great Britain is essentially necessary for the prosperity and improvement of the former.

It is intended, I understand, shortly to have a meeting of a similar nature in this city.

I have mentioned to your Lordship, that the greatest excitement and violence appears to have been displayed in the county of the Two-Mountains, and this

No. 24.

Earl of Gosford to
Lord Glenelg,
11 July 1837.

has gone to the length of injuring the property and discharging fire-arms into the houses of some who are loyally disposed, and refuse to join the ranks or participate in the opinions of their political opponents. One or two acts of this description having come officially to my knowledge; I instantly issued a Proclamation offering a reward for the apprehension of the offenders, and despatched the Attorney-general to Montreal, which is in the district and near the spot where the outrages have been committed, with instructions to adopt prompt and vigorous measures for maintaining the supremacy of the laws and bringing its violators to justice. These measures, and the arrival from Halifax of the 83d regiment in two vessels of war which have just come into port, will, I am confident, produce tranquillizing and excellent results throughout the province; and I may close this Despatch with a repetition of my conviction, that no disturbance or serious interruption of the usual course of events is likely to occur.

I have, &c.

(signed) *Gosford.*

Enclosure in No. 24.

(No. 1,371.)

COPY of RESOLUTIONS passed at a Meeting held in the City of *Montreal*, on the 6th July 1837.

Encl. in No. 24.

Moved by Jules Quesnel, Esq. J.P., seconded by John Molson, Esq.

1st. That the unjustifiable refusal of the House of Assembly of Lower Canada to make the necessary appropriations for the administration of justice and the support of the civil government of Lower Canada has been the principal cause of the Resolutions brought forward by His Majesty's Ministers, and adopted by the Imperial Parliament.

Moved by William Robertson, Esq. M.D., and seconded by C S. Debleury, Esq. M.P.P.

2d. That this meeting highly disapproves of the outrageous proceedings of the majority of the House of Assembly in their express refusal to proceed with the public business, in their declared resolve not to co-operate with the government, and in their fixed determination to continue the course of policy pursued by them, all which are productive of great evil to the province generally, ruinous to the commerce of the country, and fatal to the interests of the agricultural and labouring classes.

Moved by P. E. Leclerc, Esq. J.P., seconded by S. Bagg, Esq.

3d. That this Meeting cannot too forcibly express its abhorrence of the immortal and disorganizing effects of the Resolutions adopted, and measures recommended at public meetings recently held in various parts of this province, and that this meeting reprobates them as detrimental to the welfare of the country, and directly opposed to the sentiments of fidelity to His Majesty and devotion to His Government generally, entertained by his loyal Canadian subjects throughout the province.

Moved by the Honourable P. M'Gill, seconded by Edmund Barron, Esq.

4th. That this Meeting is impressed with the conviction that the real and acknowledged grievances of His Majesty's subjects in Lower Canada will be fully redressed by His Majesty's Government, that the continued connexion of Lower Canada with the parent state is essentially necessary for the prosperity and improvement of the province, and that any attempt to disturb that connexion and produce a dismemberment of the empire is directly contrary to the opinion as it is absolutely opposed to the wishes and interests of this meeting.

— No. 25. —

(No. 259.)

COPY of a DESPATCH from Lord *Glenelg* to the Earl of *Gosford*, dated Downing-street, 27 August 1837.

No. 25.

Lord Glenelg to
Earl of Gosford,
27 August 1837.

My Lord,

I HAVE the honour to acknowledge your Despatch of the 11th July, No. 69, reporting the course of public affairs in Lower Canada since your proclamation of the 15th June; the steps which you have taken to vindicate the law and repress disturbances of the peace, and the proceedings at a numerous meeting held in Montreal on the 6th July.

I have laid this Despatch before The Queen, and have received Her Majesty's commands to signify to you Her gracious approbation of the measures which you have adopted, and of the loyal and constitutional proceedings of Her Majesty's subjects assembled at the meeting in the city of Montreal, on the 6th of July.

I have, &c.

(signed) *Glenelg.*

— No. 26.

No. 26.

Earl of Gosford to
Lord Glenelg,
25 July 1837.EXTRACT of a DESPATCH from the Earl of *Gosford* to Lord *Glenelg*,
dated Castle St. Lewis, 25 July 1837.

I HAVE had a letter from the Attorney-general, who I sent to Montreal for the purpose of inquiring into some outrages that had been committed in the county of Two Mountains. That district was perfectly tranquil until Mr. Papineau held his meeting in it; and I have no doubt that the violent inflammatory speeches that were made at it, and the gross misrepresentations which were promulgated, were the cause of the lawless proceedings which followed. The last account I had from the Attorney-general was very favourable, and I have reason to hope that peace and order will soon be restored. I am happy to add, that there has been no occasion to call in the aid of the military. The Attorney-general will return here immediately, and should I hear any particulars from him worth communicating, I shall lose no time in making you acquainted with them.

— No. 27. —

COPY of a DESPATCH from the Earl of *Gosford* to Lord *Glenelg*.

(No. 80.)

No. 27.

Earl of Gosford to
Lord Glenelg,
7 August 1837.

My Lord,

Castle of St. Lewis, Quebec,
7 August 1837.

I HAVE the honour to transmit to you herewith, for the purpose of being laid at the foot of the Throne, the enclosed Loyal Address, which has been this day presented to me by a numerous deputation from a public meeting of the inhabitants of this city, which took place on the 31st ultimo, expressing their disapprobation of the proceedings of other meetings of an opposite tendency that have been held in various parts of the Province, and conveying an assurance of their fidelity to the Crown, and attachment to the connection between this Province and the United Kingdom.

Enclosure, No. 1.

3 August 1837.

The meeting, which was conducted in the most orderly and peaceable manner, was summoned by a requisition, signed by, I understand, about 3,000 persons, and attended by upwards of 6,000 of all classes of the inhabitants of the city and vicinity of Quebec.

I beg to enclose a copy of the Answer which I returned to the Address, and
Have the honour to be, &c.
Gosford.

Enclosure, No. 2.

7 August 1837.

Enclosure 1, in No. 27.

TO His Excellency the Right Honourable *Archibald*, Earl of *Gosford*, Baron *Worlingham* of *Beccles*, in the County of *Suffolk*, Captain-General and Governor-in-Chief in and over the Province of *Lower Canada*, &c. &c. &c.

Enclosure 1, in
No. 27.

May it please your Excellency,

WE, Her Majesty's dutiful and loyal subjects, the undersigned inhabitants of the city and vicinity of Quebec, forming a committee of a public meeting held on the Esplanade, on Monday the 31st July now last past, for the purpose of expressing the opinion of the said meeting on certain attempts made at other meetings held in different parts of this province, and to convey their said opinion to Her Majesty's Government, humbly approach your Excellency, as representing our gracious Sovereign in this province, in conformity to the resolution by which we are appointed, and most respectfully represent, on the part of the said meeting:

That we have observed, with deep regret, the attempts which have been made at meetings recently held in different parts of this province, to disseminate disrespect for the public authorities, and disaffection towards the British Government and Parliament, and to excite to the violation of the laws.

That whatever differences of opinion may have prevailed in the province in regard to its public concerns, the inhabitants thereof have hitherto maintained a distinguished character for fidelity to the Sovereign, a love of public order, and obedience to lawful authority; and that it is our duty and determination still to maintain this character, and

resist

No. 27.

Earl of Gosford to
Lord Glenelg.Enclosure 1, in
No. 27.

resist to the utmost all acts or attempts contrary to the allegiance which is due to the British Crown, or against the public peace, or in violation of the law:

That we feel the entire conviction, that the present unfortunate condition of public affairs in this province is in great part owing to the misunderstandings and dissensions which have prevailed in the Legislature and amongst the inhabitants of this Province, and that a remedy is to be found in avoiding these misunderstandings and dissensions for the future, and in the cordial union of all classes in promoting the peace, welfare, and good government of the province:

That it is equally the duty and interest of the government and the subject in the colony to co-operate in the remedy of all abuses which may be found to exist, to the end that the peace and prosperity of the province may be effectually promoted, and all classes of the inhabitants be maintained in equal rights, and in the full enjoyment of security of person and property, and all the peculiar privileges which they enjoy, or to which they are legally entitled.

That under the present circumstances, it is our duty humbly to assure Her Majesty's Government, that it may fully rely on our fidelity to the Crown, and affectionate attachment to the connexion subsisting between this province and the United Kingdom of Great Britain and Ireland.

We beg leave to assure your Excellency, that the persons who attended at the said meeting, and concurred in the sentiments now expressed, formed a majority of the inhabitants of the city of Quebec; and they humbly pray, on the part of the said meeting, that the aforesaid expression of their opinions and their loyal assurances may be transmitted to Her Majesty's Government in England.

Quebec, 3 August 1837.

Joseph Deblois.	E. Glaekerner.	D. Roy.
J. Neilson.	James Gibb.	Jno. Fraser.
L. G. Berthelot.	J. Jones, jun.	Benj ⁿ Cole.
M. Berthelot.	Michel Hamel.	W ^m Burke.
M. Borne.	Christian Hoffman.	F. X. Malonir.
Pierre M. Paquet.	Fa Buteau.	Aug. Amiot.
P. Julien.	R. Haddan.	Peter Sheppard.
E. Joseph Gagnè.	Chr. Phillips.	J. Duval.
James M'Kenrie.	Nicolas Wells.	J. J. Nesbitt.
L ^s Fiset.	A. Anderson.	J. Fraser.
Jean B ^{te} Henauld.	William Henry Roy.	Alexis Trimblay.
J. B. Finhete, jun.	John Lily.	Geo. Bumselyents.
Thomas C. Lee.	Anelú Gaudy.	Wm. L. Hunt.
L ^s Prevost.	L ^s Lesbert.	P. Dorion.
J. W ^m Woolny.	H. Le Meunier.	W. K. Wobord.
Jacques Le Bland.	Allan Gilmour.	W. H. Anderson.
Ebenezer Baird.	L. Windsor.	Ch ^s Deguise.
Benj. Coriveau.	F. J. Parent.	Chas Langevin.
P. Dasilva.	John Hummel.	E. G. Camion.
Th. Baillaingi.	Thomas Tweddell.	Peter D. Langtais.
Geo. W. Cullin.	H. Bristow.	Ignace Legnaré, père.
Aug. Amiot.	J. Crimaire.	T. A. Young.
Ant. A. Parent.	Jacques Drolet.	Joseph Falardeau Cess.
Pierre Lavaie.	Dunbar Ross.	Lorette.
Pierre Robitaille.	James Dean.	R. Symes.
Julien Chrinnard.	Franc ^s Jacq ^s Séguin.	W. Power.
Jno. Thomson.	W ^m Marsden.	

Enclosure 2, in No. 27.

Gentlemen,

No. 27.

I SHALL have much pleasure in transmitting, as you request, to Her Majesty's Government in England, the address which you have just presented to me for that purpose; and I feel convinced that Her Majesty will receive with entire satisfaction the assurances of fidelity to the Crown, of obedience to the laws, and of affectionate attachment to the connexion between this Province and the United Kingdom, which so numerous and highly respectable a portion of the inhabitants of the city and vicinage of Quebec have thus come forward to tender. These assurances, in conjunction with that union of loyalty and public spirit which has so recently been manifested in this town, cannot fail to prove peculiarly acceptable at a time when the most artful and insidious attempts have been resorted to, to disseminate doctrines at variance with morality and justice, and tending to the overthrow and violation of those laws and institutions which secure to the whole body of Her Majesty's Canadian subjects the rights and immunities which they now possess and enjoy.

While I deeply regret these attempts, and while my earnest endeavours shall be directed to avert the calamities they are calculated to produce, I can assure you that I shall not cease to adhere to those principles which I have ever held, and shall be always ready and anxious, while I fill the high situation confided to me by our gracious Sovereign, to co-operate

AFFAIRS OF LOWER CANADA.

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co-operate in the remedy of abuses, in promoting the welfare and happiness of this province, and in maintaining all classes of its inhabitants in the full and peaceful enjoyment of equal rights.

Enclosure 2, in
No. 27.

Castle of St. Lewis, Quebec,
7 August 1837.

—No. 28.—

COPY of a DESPATCH from Lord *Glenelg* to the Earl of *Gosford*.

(No. 270.)

No. 28.

Lord *Glenelg* to
Earl of *Gosford*,
20 Sept. 1837.

My Lord,

Downing-street, 20 September 1837.

I HAVE had the honour to receive and to lay before the Queen your Lordship's despatch, No. 80, of the 7th August, enclosing a loyal address, which had been presented to you by a deputation from a public meeting held in Quebec on the 31st July.

Her Majesty has commanded me to instruct you to acquaint the gentlemen from whom this address proceeded, that She has received with high satisfaction the proof which it affords of their attachment to the principles of the constitution of the province of Lower Canada, and that they may confidently rely on those principles being maintained by Her Majesty for the common benefit of all classes of Her Canadian subjects.

I have, &c.

(signed) *Glenelg*.

—No. 29.—

COPY of a DESPATCH from the Earl of *Gosford* to Lord *Glenelg*.

(No. 84.)

No. 29.

Earl of *Gosford* to
Lord *Glenelg*,
18 August 1837.

My Lord,

Castle of St. Lewis, Quebec, 18 August 1837.

I HAVE the honour to transmit herewith a copy of the Speech with which I have this day opened the Session of the Provincial Parliament of Lower Canada.

I have, &c.

(signed) *Gosford*.

Enclosure in No. 29.

Encl. in No. 29.

PROVINCIAL PARLIAMENT of *Lower Canada*.

Legislative Council Chamber, Quebec, 18 August 1837.

THIS day, at three o'clock, his Excellency the Governor in Chief came down in state to the Legislative Council Chamber, and being seated on the Throne, the Gentlemen Usher of the Black Rod was sent down to the Assembly to command their attendance before his Excellency, and that House being come up, his Excellency was pleased to open the Fourth Session of the Fifteenth Provincial Parliament of Lower Canada with the following Speech:—

Gentlemen of the Legislative Council,
Gentlemen of the House of Assembly,

In obedience to the Royal commands signified to me through the Principal Secretary of State for the Colonies, I have convened you at this unusual period for the purpose of communicating to you the proceedings that, since your last Session, have taken place in the Imperial Parliament, and the resolutions that have been therein adopted, on the affairs of this Province.

This course has been prescribed to me in order to afford the House of Assembly, before that resolution which relates to the payment of the arrears now due for the civil service of this Government shall have assumed the binding shape of a law, an opportunity of re-considering the course, which, for the last four years, they have thought it expedient to pursue with respect to the financial difficulties of the province, and in the earnest hope that by a timely intervention of this Legislature the exercise of the power intended to be intrusted to the head of the local government may be rendered unnecessary; a result, for the attainment of which Her Majesty's Government would willingly make every sacrifice save that of the honour of the Crown and the integrity of the empire.

No. 29.

Earl of Gosford to
Lord Glenelg,
18 August 1836.

Encl. in No. 29.

Since the receipt of the instructions to which I have alluded, the mournful intelligence has reached us of the demise of our late deservedly-beloved Monarch. Few Kings have reigned more in the affections of their subjects than William the Fourth. The warm and lively interest he always took in every matter connected with the welfare of his Canadian subjects, cannot fail to increase their feelings of regret for his loss.

The accession of our present gracious Sovereign, Queen Victoria, to the Throne of the British Empire, has not produced any alteration in the course that had been previously prescribed for my adoption.

The reports of the Royal Commissioners on the several subjects which came under their investigation during their stay in Lower Canada, having been laid before the two Houses of the Imperial Parliament, a series of Resolutions, ten in number, were shortly afterwards introduced by Ministers, relative to the affairs of this province; copies of which I shall communicate to you in the usual way, at the earliest opportunity. The principal object of these Resolutions are to declare,

1stly. That in the existing state of Lower Canada, it is unadvisable to make the Legislative Council elective, but that it is expedient to adopt measures for securing to that branch of the Legislature a greater degree of public confidence.

2dly. That while it is expedient to improve the composition of the Executive Council, it is unadvisable to subject it to the responsibility demanded by the House of Assembly.

3dly. That the legal title of the British American Land Company to the land they hold under their charter, and an Act of the Imperial Parliament, ought to be maintained inviolate.

4thly. That as soon as this Legislature shall make provisions by law for discharging lands from feudal dues and services, and for removing any doubts as to the incidents of the tenure of land, in free and common socage, it is expedient to repeal the Canada Tenures Act, and the Canada Trade Act, so far as the latter relates to the tenures of land in this province, saving, nevertheless, to all persons the rights vested in them under or in virtue of those Acts.

5thly. That, for defraying the arrears due, on account of the established and customary charges of the administration of justice, and of the civil government of the province, it is expedient, that, after applying for that purpose such balance as should, on the 10th day of April last, be in the hands of the Receiver-general, arising from the hereditary, territorial and casual revenues of the Crown, the Governor of the Province be empowered to issue, out of any other monies in the hands of the Receiver-general, such further sums as shall be necessary to effect the payment of such arrears and charges up to the 10th of April last.

6thly. That it is expedient to place at the disposal of this Legislature the net proceeds of the hereditary, territorial, and casual revenues of the Crown, arising within the province, in case the said Legislature shall see fit to grant a civil list for defraying the necessary charges of the administration of justice, and for the maintenance and unavoidable expenses of certain of the principal officers of the civil government of the province; and, lastly,

That it is expedient that the Legislatures of Lower and Upper Canada respectively be authorized to make provision for the joint regulation and adjustment of questions respecting their trade and commerce, and of other questions wherein they have a common interest.

Having thus laid before you an outline of the measures contemplated by the Resolutions which were passed after full discussion in the House of Commons, by large majorities, and in the House of Peers without a division, I proceed, in obedience to the Royal commands, to assure you, that it was with the deepest regret and reluctance that Her Majesty's Government yielded to the necessity of invoking the interference of Parliament, in order to meet the pressing difficulties which other resources had failed to remove in the administration of the affairs of the province.

But with a view to abstain as much as possible from any interference which is not imperatively demanded by the force of existing circumstances, Her Majesty's Ministers have determined not to submit to the present Parliament the Bills to be founded on the Resolutions of which I have just spoken; yet, as they cannot overlook the necessity of making immediate provision for the discharge of the debt due from the civil government of this province, they have resolved to propose to the House of Commons that a vote of credit should be passed for the advance, by way of a loan from British funds, of the sum required for the payment of that debt.

Gentlemen of the House of Assembly,

The accounts showing the payments that have been made, since the close of the session in March 1836, out of the revenues at the disposal of the Crown, in part liquidation of the large arrears then due in respect of the civil establishments of the province, shall, as soon as possible, be submitted to you, with every explanation that you may desire and I can supply. I have likewise, in obedience to the injunctions I have received, directed that an account of the balance of arrears owing on the 10th of April last for official salaries, and the ordinary expenditure of the local government, be made out and laid before you, with an estimate for the current half year; and in recommending, as I do most earnestly, these matters to your early and favourable consideration, I am commanded to express to you at the same time the anxious hope that the governor of this province may not be compelled to exercise the power with which the Imperial Parliament has declared its intention of investing him, in order to discharge the arrears due in respect of public services, for the payment of which the faith of the Crown has been repeatedly pledged. The chief object, therefore, for which you are now called together, is to afford you an opportunity, by grant-

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ing the requisite supplies, of rendering unnecessary, on the part of the Imperial Parliament, any further action on the 8th of the series of Resolutions to which I have alluded; and it will, I can assure you, be to me matter of unmixed satisfaction should you resolve to concede to the united voice of the British people, as expressed through the several branches of their Legislature, that which you have not thought it expedient to yield to the solicitations of the executive government alone.

Gentlemen of the Legislative Council,

Gentlemen of the House of Assembly,

I am further commanded to express to you the earnest desire of Her Majesty's Government to co-operate with you in the removal of every obstacle to the beneficial working of the existing constitution, and in the correction of every defect which time and experience have developed in the laws and institutions of the province, or in the administration of its government; and I am also to assure you of a prompt attention on the part of Her Majesty's Government to every representation which may proceed from you, tending to effect improvements of this nature, calculated to strengthen the connexion between Great Britain and Lower Canada, by the promotion of the welfare and the interests of all classes of Her Majesty's subjects in the province.

At the time the summons was issued for assembling you on this day, I had every reason to believe that it would have been in my power to announce to you, as effected, those alterations which you may gather from the Resolutions of which I have spoken it is intended to effect in the composition of the executive and legislative councils; but the interruption, occasioned by the demise of his late Majesty, to the progress of public business in the Imperial Parliament, and the prospect of its early dissolution, have prevented the Ministers of the Crown from at once perfecting the measures they have in contemplation. These measures, therefore, are not forsaken, but only unavoidably suspended for a season, and I trust I shall, at no very distant period, be enabled to appeal to the changes introduced into the two councils, as well as to other salutary arrangements, as a proof of the sincerity with which Her Majesty's Government are disposed to carry into effect the intentions they have expressed on these points.

Since the end of the last session, several local Acts have expired, and I would suggest for your consideration the expediency of renewing such of them as may have proved useful. I would, moreover, especially invite your attention to the Acts relating to the district of Saint Francis, the duration of which is limited to the end of the session of the Provisional Parliament next after the 1st of May last.

The severe distress which, in consequence of the partial or total failure of the crops, was experienced during the last winter in several parts of the province, induced me, upon the urgent representations I received on the subject, and in order to avert the approaches of famine, to grant out of the public funds that succour which the means of the suffering inhabitants were inadequate to afford. Nor did I hesitate, in the pressing emergency of the case, to assume this responsibility, encouraged by the liberality you have displayed on similar occasions. In granting, however, such assistance, security was in each case taken for the repayment of the monies so advanced, in the event of your declining to sanction the transactions. These advances amount in the whole to about 5,600, for which, as well as for the sums I have issued for the preservation of the public works on the Chambly Canal, and for the maintenance of the quarantine establishment, I trust you will see no objection to grant an indemnity. Such of the documents and vouchers connected with these several disbursements as are not already before you shall be submitted to you with as little delay as possible.

In conclusion, Gentlemen, I shall repeat my determination to adhere to those principles which I laid down for my guidance when I first addressed you. They are calculated, I conscientiously believe, to promote the real interests of the country, and to secure to all classes of Her Majesty's Canadian subjects those rights, privileges and liberties, which the spirit of the constitution was intended to impart, and which every friend to that constitution is bound to support and maintain.

— No. 30. —

COPY of a DESPATCH from the Earl of Gosford to Lord Glenelg.

(No. 87.)

My Lord,

Castle of St. Lewis, Quebec,
26 August 1837.

I HAVE the honour to transmit, herewith, copies of the addresses of the Legislative Council and House of Assembly, in answer to my speech on opening the session of the Provincial Parliament, on the 18th instant, and my replies to each.

I have, &c.

Gosford.

No. 30.

Earl of Gosford to
Lord Glenelg,
26 August 1837.

No. 1.

No. 2.

No. 3.

23 August 1837.

No. 4.

26 August 1837.

No. 30.

Earl of Gosford to
Lord Glenelg,
26 August 1836.

Encl. in No. 30.

Enclosures in No. 30.

(No. 1.)

TO his Excellency the Right Honourable *Archibald*, Earl of *Gosford*, Governor-in-Chief,
&c. &c. &c.

May it please your Excellency,

1. We, Her Majesty's dutiful and loyal subjects, the Legislative Council of Lower Canada in Provincial Parliament assembled, beg leave to return our humble thanks for your Excellency's speech from the throne.

2. We are fully sensible of the motives which have induced Her Majesty's Government to assemble the Legislature at this unusual period; and we view with intense interest the communications which your Excellency has been desired to make, of the proceedings which have taken place since last session in the Imperial Parliament, and of the principal objects of the Resolutions therein adopted on the affairs of this country; and we assure your Excellency that we shall consider it our duty to concur in any constitutional bill to provide for the payment of arrears now due for the civil service of this Government, so as to render unnecessary the exercise of the power intended to be entrusted to your Excellency by an Act of the Imperial Parliament.

3. We have received, with unfeigned regret, the mournful intelligence of the demise of our late deservedly-beloved Monarch, and we concur with your Excellency in believing that few Kings have reigned more in the affections of their subjects than William the Fourth. The warm and lively interest he always took in every matter connected with the welfare of his Canadian subjects, cannot fail to increase their feelings of regret for his loss.

4. We observe that the accession of our present Gracious Sovereign, Queen Victoria, to the throne of the British empire, has not produced any alteration in the course that had been previously furnished for your Excellency's adoption.

5. Whatever difference of opinion may exist as to the measures which it may be desirable to adopt under the existing circumstances of the country, we are fully persuaded of the earnest desire of Her Majesty's Government to co-operate with the Legislature, in the removal of every obstacle to the beneficial working of the existing constitution, and in the correction of every defect which time and experience have developed in the laws and institutions of this province, or in the administration of the Government; and we will cordially unite with your Excellency in effecting such improvements as may be calculated to promote the welfare and interests of all classes, and thereby to strengthen the connexion subsisting between Great Britain and Lower Canada.

6. We shall give our best consideration to the local Acts which have expired, with a view to renewing such as may have proved useful, and to any bill of indemnity to cover the monies which your Excellency deemed it expedient to advance for the relief of the inhabitants who suffered last winter, by a partial or total failure of the crops; as also for the monies advanced for the preservation of the Chambly Canal, and for the maintenance of the quarantine establishment.

7. We can assure your Excellency that we are firmly convinced of your conscientious belief that the principles which you have laid down for your guidance are calculated to promote the real interests of the country, and to secure to all Her Majesty's Canadian subjects, those rights, privileges and liberties, which the spirit of the constitution was intended to impart and which all are bound to support and maintain.

8. At a time like the present, when by the secret and overt exertions of some designing and influential men, distrust and apprehension have been excited throughout various parts of the province, and disobedience and resistance to the laws are publicly inculcated, the Legislative Council think it their bounden duty again to assure your Excellency of their firm and undivided support, in every emergency, to secure the integrity of the constitution, to defend the connexion which so happily for them subsists between the mother country and this highly-favoured province; and that they will, to the utmost of their power, exercise, as they have always done, the important duties intrusted to them by the constitution, with devoted loyalty to their Sovereign, and with due regard as well to the interest of the empire at large, as to the welfare of the province, and that they will most cordially co-operate with your Excellency in all measures calculated to maintain and perpetuate the peace, happiness, and prosperity of all classes of Her Majesty's subjects.

(No. 2.)

TO his Excellency the Right Honourable *Archibald*, Earl of *Gosford*, Baron *Worlingham* of *Beccles*, in the county of *Suffolk*, Captain-General and Governor-in-Chief in and over the Provinces of *Lower Canada* and *Upper Canada*, Vice-Admiral of the same, and one of Her Majesty's Most Honourable Privy Council, &c. &c.

May it please your Excellency,

We, Her Majesty's faithful and loyal subjects, the Commons of Lower Canada in Provincial Parliament assembled, humbly thank your Excellency for your speech from the throne at the opening of the present Session. We assure your Excellency that at whatever season we may be called upon to perform the duties intrusted to us by the people of the province, no personal inconvenience will prevent our labouring, as our first and most important occupation, to secure the liberties and happiness of our fellow-subjects; to remove the evils which have pressed, and still continue in a more aggravated form, to press,
upon

upon them, and to protect them against the system which has corrupted the provincial Government, and has been sufficiently powerful not only to cause the mother country to refuse all justice to the people with regard to their demands and ours for the improvement of their political institutions, and for the reform of abuses, but to urge the highest metropolitan authorities, who ought to be just and protecting, to acts of violence, to a violation of the most sacred and best established rights of the Canadian people of this Legislature, and to the destruction of the very foundations of the Government. We are, then, bound by our duty frankly to declare to your Excellency, under the solemn circumstances in which we are placed, and after full and calm deliberation, that since the time when we were last called to meet in Provincial Parliament, we have seen in the conduct and proceedings of the metropolitan government and of the colonial administration towards this country nothing which could re-establish in the people the confidence and affection which the long and fatal experience of the past almost destroyed; but that, on the contrary, every recent event has tended to efface what remained of these feelings, and to consolidate, in opposition to the liberties, interests and wishes of the people, the colonial oligarchy factiously combined against them, and the hitherto unbridled and uncontrolled sway of the colonial ministers in Downing-street.

The avowal which it has pleased your Excellency to make to us, that the disposition of the authorities and of Parliament with regard to us, and the oppressive and unconstitutional measures which have been the result, are the consequences of the recommendations made by certain pretended authorities, known by the name of the Royal Commissioners, has convinced us of the correctness of the opinions we have heretofore expressed with regard to this commission, which, constituted and acting under no law, and without regard to law, and bound beforehand by its instructions to the partial views and narrow policy of the British Ministry in the government of the colonies, could not possibly co-operate in doing justice to the inhabitants of this province, and in establishing their institutions, their liberties, and their prospects for the future, on the solid basis of their wishes and their wants, as well as on the principles of the constitution. We were, therefore, in no-wise astonished at discovering in the productions of this pretended commission nothing but preconceived opinions, prejudices at variance with its mission and its duty, ideas of government founded on data utterly foreign to the country, or at finding it fomenting division and national distinctions, forgetful of constitutional principles, calumniating the provincial representation, and practising deception towards this House and the people. We are bound especially to notice in the reports in question, as far as they have come to our knowledge, one essential and paramount contradiction which pervades every part of them, and forms their essence. It is, that while they admit the reality of the greater portion of the abuses and grievances of which we have complained, the Commissioners do not recommend their removal, and the destruction of the causes which had produced them, but an act of aggression against this House which has denounced them, and the absolute destruction of the representative government in this province, by the illegal and violent spoliation of the public monies of the people by the Ministers or by the Parliament; whereas it was the duty of the commission, and of the mother country, to assist this House in the entire removal of these evils, and in rendering their recurrence impossible, by re-constituting the second branch of the Legislature by means of the elective principle, by repealing all laws and privileges unjustly obtained, and by ensuring the exercise of the powers and legitimate control of this House over the internal affairs of the province, and over all matters relative to its territory and the wants of its inhabitants, and more especially over the public revenue raised in it.

These remarks will render unnecessary a portion of those which we might have been led to make on the series of Resolutions spoken of by your Excellency, and which being proposed by Lord John Russell, one of the Ministers of the Crown, were adopted by the two Houses of the Parliament of the United Kingdom. We perceive in this measure, on the one hand, a formal and total refusal of the reforms and improvements demanded by this House and by the people; and, on the other, an abuse of the powers of Parliament for the purpose of destroying by force the laws and constitution of the province, of violating with regard to us the most sacred and solemn engagements, and of thereby establishing irretrievably, on the ruin of our liberties, and in the place of the legitimate, efficient, and constitutional control which this House, and the people through it, have a right to exercise over all the branches of the executive government, corruption and intrigue, the pillage of the revenue, the seizure of the best resources of the country by the colonial functionaries and their dependants, the domination and ascendancy of the few, and the oppression and servitude of the mass of the inhabitants of this province, without distinction of class or of origin.

It is our duty, therefore, to tell the mother country, that if she carries the spirit of these Resolutions into effect in the government of British America, and of this province in particular, her supremacy therein will no longer depend upon the feelings of affection, of duty, and of mutual interest, which would best secure it, but on physical and material force, an element dangerous to the governing party, at the same time that it subjects the governed to a degree of uncertainty as to their future existence and their dearest interests, which is scarcely to be found under the most absolute governments of civilized Europe. And we had humbly believed it impossible that this state of permanent jeopardy, of hatred and of division, could be knowingly perpetuated by England on the American Continent; and that the liberty and welfare of every portion of the empire were too dear to the independent body of the English people, to allow them to prefer maintaining, in favour of the

No. 30.

Earl of Gosford to
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26 August 1836.

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Lord Glenelg,
26 August 1837,

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functionaries accused by the people of this province, the system which has been hitherto its bane.

If, even before the opening of the present session, we had been individually undeceived in this fond hope by public report; if we had little expectation that a sudden change in the councils of the empire should place us at once in possession of the benefits of the constitutive reforms which we had declared to be essential, and such as would alone be sufficient, it was still natural that we should most anxiously look forward to our being called together in Parliament; because it was at least to be supposed that most important reforms had been effected in the administration of the government, and that others were speedily to follow them. We have learned with fresh regret, from your Excellency's speech, that no such reform has been effected, or will be so at any near and determinate period, notwithstanding the so-often-repeated pledges of the Government. Your Excellency has been pleased to allude distantly to the improvement of the composition of the Legislative and Executive Councils of this province. With regard to the Executive Council, we shall here forbear any painful reflections on the unmodified existence of that body, after it had been so solemnly repudiated by your Excellency in the name of the Crown, and on its co-operation with the other portions of the provincial Executive in a system of premeditated coercion to effect the overthrow of the laws and constitution; of incrimination, persecution, and arbitrary removals from office, directed against the mass of the people who remain faithful to the true principles of the British constitution, and who have manifested their attachment to their assailed liberties. We further represent, that the present Executive having, instead of performing its promises of justice, and of the removal of abuses and grievances, entered upon the dangerous and slippery path which has been the ruin of preceding administrations, and having utterly alienated from it the affection of an important portion of those of Her Majesty's subjects most devoted to the liberty and welfare of the country, in order to bestow, with partiality, its confidence and that of the Government on those only who flatter it, no longer possesses in the person of its chief, or in those of its other members, the capability of effecting the reforms indispensably necessary as preliminaries to any arrangement between the Government of the mother country and the colony, in a just, equitable, and impartial manner, adapted to satisfy this House and the people, and more especially to insure between the several branches of the Legislature that co-operation and that uniformity of general views which we persist in believing to be absolutely requisite. We should have hoped that, as a pledge of the sincerity of the Government, the Legislative Council would have been so remodelled as to enable us to ascertain up to what point it had been rendered capable of legislating conformably with the wishes and wants of the people, and to act according to the conclusion to which we might have come on this important subject. This essential reform having been omitted, we are bound to declare, that our duty towards the people by whom we are sent here imperiously requires us to follow, under existing circumstances, the course adopted by us in our address of the 30th September 1836: we therefore persist therein, as well as in all the declarations and demands therein contained. The reforms which your Excellency announces as having been delayed, will nevertheless, if effected in a spirit of justice and harmony, become a powerful motive with us for examining whether the Legislative Council, in its present form of constitution, could even for a time co-operate with us in a system of legislation conformable to the interests of the people, and of thereby ascertaining whether it shall have been so remodelled as to induce us to manifest confidence in Her Majesty's Government.

In our efforts to remove the evils which have pressed upon our country, we have had recourse to none but constitutional means, founded on the most approved and best recognised principles. We have it so much at heart to see the Government once more deserve the public confidence, that, to assist it in attaining that confidence, we should recoil before no sacrifice but that of the liberties or of the honour of the people. We have given proof of this disposition, even of late, whenever we have been able to entertain a hope that we were thereby aiding to advance the prosperity of the country; but we declare that, in the present conjuncture, we have not been able to derive from your Excellency's speech, or from any other source, any motive for departing, even momentarily, from our determination to withhold the supplies until the grievances of the country are redressed.

Your Excellency acknowledges that the chief object for which we are now convened is to afford us an opportunity, by granting the supplies, of preventing their being violently taken by an Act of the Imperial Parliament, founded on the resolutions already adopted. In the absence of any other motive for thus recurring to our authority than the tardy consideration of the character of those resolutions, as well as of the Act of which they might form the basis, Her Majesty's Government might, we humbly conceive, have recollected that those resolutions are not our work, that we had already fully deliberated on the demand made to us by your Excellency, and that while we have not before us any Act, or even any hope which can promise a mitigation of the evils under which the people are suffering, we should not be justifiable in placing in the hands of hostile powers the means of aggravating and perpetuating those evils.

There could exist, then, no considerations but such as might be dictated by a servile fear, foreign to our mandate, and derogatory to the character of the people, to induce us to be wanting to our duty in the present instance, by ratifying the violation of the rights of our constituents and of this House by the British authorities, and by taking on ourselves the responsibility of the consequences which might result from it. We leave this responsibility to those who have assumed it, and, strong in the justice of our cause, we rely, as we

we heretofore have done, on Providence, on the public and private virtues of all classes of the people, on their constancy, their perseverance, and their attachment to the principles of order and liberty, which, following their example, we have unceasingly endeavoured to maintain.

In thus expressing our wish that a commencement of reform had tended to re-establish confidence, we cannot have been misunderstood as to the motives which actuate us. We repeat, nevertheless, that we shall regard all administrative measures whatsoever as insufficient permanently and effectively to insure the peace, security, and happiness of the province; and that the essential and constitutive reforms which we have demanded, and especially the application of the elective principle to the Legislative Council; the repeal of all undue privileges and monopolies, and of injurious laws passed in England; the free exercise of the right and privileges of this Legislature, and of this House in particular, and the establishment of a popular and responsible government, are the only means by which the advantages hereinbefore mentioned can be insured, or the political connexion with Great Britain rendered beneficial to the people of Canada.

It is, therefore, our ardent wish that the resolutions adopted by the two Houses of Parliament may be rescinded, as attaching the rights and liberties of this province, as being of a nature to perpetuate bad government, corruption, and abuse of power therein, and as rendering more just and legitimate the disaffection and opposition of the people. If this return on the part of the Government of the mother country to what we consider its duty towards this colony, should take place under the reign of Her Most Gracious Majesty Queen Victoria, we are unable to express to your Excellency how warmly we should congratulate ourselves on having persevered in claiming justice for the people, notwithstanding the peculiar obstacles and difficulties which have tended to deter us.

The special and local subjects pointed out by your Excellency, and in particular the advances of public money made to relieve the distress in certain parts of the province, and for other purposes, will form the subjects of our deliberations as soon as circumstances will permit, and whenever we shall be no longer prevented from considering them.

(signed) *L. J. Papineau*,
Speaker of the House of Assembly.

House of Assembly, }
Quebec, Friday, 25 August 1837. }

(No. 3.)

Mr. Speaker, and Gentlemen of the Legislative Council,

In returning you my thanks for this address, I cannot avoid expressing to you the perfect satisfaction I feel at knowing that my endeavours to effect such improvements as may promote and perpetuate the peace, happiness, and prosperity of all classes of Her Majesty's Canadian subjects, will meet with your zealous co-operation and support.

The attempts to which you refer that have been made to sow distrust and apprehension in the public mind, and to inculcate disobedience and resistance to the laws, while they cannot fail to excite feelings of the deepest regret, make it the duty of all who have the good of the province at heart, to lay aside, in such a conjuncture as the present, all minor considerations, and to strive to combine the energies, talents, and patriotism of the country, in one common effort, to avert the calamities of internal discord—the inevitable result of such attempts—and to place the province in a position to realize those advantages which, under Divine Providence, are so readily within her reach.

Castle of St. Lewis, }
Quebec, 23 August 1837. }

(No. 4.)

Mr. Speaker, and Gentlemen of the House of Assembly,

The address which you have just presented to me I shall lose no time in transmitting for the information of Her Majesty's Government. I cannot, however, refrain from expressing the deep concern and regret which I experience at learning from it that you persist in your determination to deprive the country of the benefits of domestic legislation, until all the demands you have urged shall have been granted; demands which it is not in the power of the Executive Government to grant, and which, on being submitted, at your request, to the judgment of the highest authorities of the empire, they have solemnly declared it is inexpedient to grant.

This voluntary and continued abandonment of your functions as one branch of the Legislature, notwithstanding the assurance you have received from the high authorities to whom you have appealed that improvements will be made in the Executive and Legislative Councils, while it daily increases the evils under which the province labours, is at the same time a virtual annihilation of the constitution under which that Legislature derives its existence.

Being thus unhappily denied that assistance which I had hoped to receive from the representatives of the people for relieving the country from its pressing difficulties, it only remains for me to assure you that I shall exercise, to the best of my judgment, the powers vested in me as the representative of our Sovereign, for the preservation of the rights, and the advancement of the interests and welfare of all classes of Her Majesty's Canadian subjects.

Castle of St. Lewis, }
Quebec, 26 August 1837. }

No. 30.

Earl of Gosford to
Lord Glenelg,
26 August 1837.

Encl. in No. 30.

No. 31.

— No. 31. —

Earl of Gosford to
Lord Glenelg,
30 August 1837.

COPY of a DESPATCH from the Earl of Gosford to Lord Glenelg.
(No. 89.)

Castle of St. Lewis, Quebec,
30 August 1837.

My Lord,

HAVING already put you in possession of the speech with which, on the 18th instant, I opened the Provincial Parliament, as well as of the addresses in answer thereto from the two Chambers, with my replies to each, I have now the honour to inform your Lordship, that immediately after the delivery of my reply to the address of the Assembly, on the 26th instant, I prorogued the Parliament by proclamation, perceiving that no useful end could be answered by continuing the session, as the Assembly adhered to the determination expressed in their address of September last of not granting the arrears and supplies required by the Government, and of abstaining from the transaction of public business until all the demands set forth in that address shall have been granted.

I shall confine the present communication to a statement of the proceedings that occurred in the two Houses during the nine days they were in session.

Friday, 18 August.—The members of both Houses took the oath of allegiance to the Queen, prescribed by the Act 31 Geo. 3, c. 31.

In the Legislative Council a committee of five was, as usual, appointed by ballot, to prepare an address in answer to my speech, consisting of the Hon. Messrs. Cuthbert, Debartzch, Stewart, Joliette, and De Rocheblave. A committee of privileges, and a sub-committee to peruse and perfect the journals of the Council, were also named.

In the Assembly, after the return of the House from the bar of the Legislative Council, Mr. Gagy, one of the members for the county of Sherbrooke, moved for leave to bring in a bill to continue the Acts relating to the judicature of the district of St. Francis, whose duration was limited to the end of the session next after the 1st of May last; but on motion of Mr. Morin, the consideration of the question was deferred, upon a division of 61 to 15, until that part of my speech which related to this subject should have been taken into consideration. A bill for better insuring the freedom of elections, by the removal of troops from places of election, was then introduced and read a first time; the House resolved to go into committee to take into consideration the state of the province, and, after the Speaker had reported my speech, it was referred to the same committee, and not, as usual, to a special committee, to prepare an answer. The House then went into committee and adjourned.

Saturday, 19th.—The Council passed the usual resolution providing for the payment out of their contingent expenses, of the postage of letters, &c., addressed to the members during the session.

A similar resolution was passed in the Assembly, where it was also resolved, that all petitions of a private nature received by the House during the session should lie on the table until otherwise ordered. They then went into committee on the state of the province and on the speech, and, after some time spent therein, the committee rose, reported progress, and obtained leave to sit again on Monday.

Monday, 21st.—In the Council, the committee appointed to prepare an answer to my speech, reported a draft of an address, which was referred to a committee of the whole House, who reported progress and obtained leave to sit again.

In the Assembly, Mr. Gagy moved for the discharge of the order referring my speech to a committee of the whole House, and that it be referred to a special committee of five members to prepare the draft of an answer; this motion was lost upon a division of 68 to 10, and the House went into committee on the state of the province and on the speech, and, after obtaining leave to sit again, adjourned to the next day.

Tuesday, 22d.—The Council passed their address (a copy of which accompanied my despatch of the 26th instant, No. 87) in answer to the speech, after amendments to the 2d and 5th paragraphs had been moved and lost, and the 8th unsuccessfully objected to, but no amendment to it proposed. Protests were, however, afterwards entered to this, as well as to the second paragraph, by Messrs. D. B. Viger and F. X. Malhiot.

In the Assembly the committee of the whole House still continued their deliberations on the state of the province and on the speech.

Wednesday,

Wednesday, 23d.—The Council presented to me their answer to the speech, and received my reply, a copy of which has been forwarded to your Lordship in my despatch of the 26th instant. They then appointed a committee to draw up an address of condolence to the Queen on the death of his late Majesty, and of congratulation on her accession to the throne, and one of condolence to the Queen Dowager. A committee was also named to consider whether any and what amendments should be made to the Acts authorizing the issue of certificates and licences for retailing spirituous liquors. An address was then voted to me to institute an inquiry into the state of the notarial offices throughout the province, with a view to ascertain how far the duties of the said profession have been discharged conformable to law. This address was presented to me a day or two after, and, as it was necessary that I should be advised by the law officers of the Crown, to whom the question has been referred, whether I had the power to enforce the inquiry, I replied that I would take it into consideration.

The Assembly named a special committee to point out a proper person to fill the situation of serjeant-at-arms. I may here remark that the situation was not vacant, it having been filled up by me during the recess on the death of the late incumbent, as reported in my despatch of the 18th ultimo, No. 75. To the same committee was referred your Lordship's despatch of the 10th of February 1836, No. 50, relative to the appointment of the law-clerk, which was laid before the House in September last; nothing, however, has resulted from the labours of this committee. The House then went into committee on the state of the province and on my speech, and adjourned after reporting progress.

Thursday, 24th.—The addresses of condolence and congratulation to the Queen, and of condolence to the Queen Dowager, were adopted by the Council, and an address voted to me, requesting their transmission to England. In pursuance of the intention announced in my speech, I laid before the Council copies of the resolutions of the two Houses of the Imperial Parliament on Canada Affairs.

In the Assembly the consideration of the state of the province, and of the speech, was continued in a committee of the whole House.

Friday, 25th.—The Council presented their addresses to the Queen and Queen Dowager, which have been transmitted to your Lordship.

On this day the committee of the House of Assembly reported the draft of an address in answer to my speech, and obtained leave to sit again next day. Mr. Morin moved that the question of concurrence be put separately on each paragraph of the address, whereupon Mr. Andrew Stuart, one of the members for the Upper Town of Quebec, moved, in amendment, to substitute the following resolution: viz. "In the present state of this province it is the duty of this House, in so far as depends upon it, to proceed to provide for the most pressing wants of the province and the support of Her Majesty's Government." This motion was negatived on a division of 63 to 13. Mr. Stuart then moved to substitute for the address the following resolution; viz. "It is the duty of this House to maintain its fidelity to the Crown, and to support the connexion of this province with the United Kingdom of Great Britain and Ireland, using at the same time all constitutional means for the removal of the obstacles which have hitherto retarded the advancement and prosperity of the province, and for securing to Her Majesty's subjects therein a better and more efficient government than they now have." Mr. Morin, however, moved the previous question, which was carried on a division of 62 to 15. These two resolutions, I am informed, were moved in committee, as amendments to the draft of the address, and were both met with a direct negative, and rejected; though your Lordship will perceive that in the House the latter was got rid of by moving the previous question. Mr. Stuart again moved, in amendment to the main motion, that the draft of the address reported by the committee of the whole House be recommitted, which was negatived on a division of 58 to 19. Mr. Joseph A. Taschereau, one of the members for the county of Beauce, then made a motion to substitute for the address reported by the committee the one of which the inclosed is a copy, which was lost on a division of 59 to 18, and Mr. Morin's original motion was carried by 46 to 31, those who voted for Mr. Taschereau's address having joined the minority on the previous divisions, which minority voted against both addresses. The address reported from the committee of the whole House was then agreed to, paragraph by paragraph, upon divisions of 48 to 31, and presented to me the next day.

Saturday, 26th.—The Council moved an address to me for their contingencies, amounting

No. 31.

Earl of Gosford to
Lord Glenelg,
30 August 1837.

No. 31.
 Earl of Gosford to
 Lord Glenelg,
 30 August 1837.

amounting to 3,000 *l.*, but before the same was presented, I had prorogued the Parliament.

As no Bill was passed by either House, a question has been stirred whether the late meeting of the provincial parliament is to be considered a session or not. The matter has been referred by me for the opinion of the law-officers of the Crown, whose report I have not yet received. Should it be held to be a session, the acts relating to the judicature of the district of St. Francis will have expired, and that portion of the province which formed the district will again be included within the districts of Montreal and Three Rivers. The question will probably meet with a judicial decision in the superior tribunals here, in an appeal from some of the proceedings that may have taken place in the Court of King's Bench at St. Francis since the prorogation.

I have, &c.

(signed) *Gosford.*

Enclosure in No. 31.

Enclosure in No 31. To His Excellency the Right Hon. Archibald Earl of *Gosford*, Baron Worlingham of Beccles, in the county of Suffolk, Captain-general and Governor-in-Chief in and over the Provinces of Lower Canada and Upper Canada, Vice-Admiral of the same, and one of Her Majesty's Most Hon. Privy Council, &c. &c. &c.

May it please your Excellency,

We, Her Majesty's faithful and loyal subjects the commons of Lower Canada, in provincial parliament assembled, humbly thank your Excellency for your speech from the Throne at the opening of the present session. We assure your Excellency, that at whatever season we may be called upon to perform the duties delegated to us by the people of this province, we shall ever regard as nothing the personal inconvenience to which we may be subjected; more especially, when we may be called upon to deliberate on the great interests of the country under circumstances as grave and critical as the present, when your Excellency has to communicate to us the proceedings which have taken place in the Imperial Parliament since we were last called together, and the resolutions which have been adopted therein with regard to the affairs of this province.

We ask permission humbly to represent to your Excellency, that the course which this House has deemed it expedient to adopt during the last four years, with regard to the existing financial difficulties, has been founded on the best recognised principles of the constitution, and adopted with the view of obtaining the removal of numerous abuses and grievances against which this house and the people whom it represents have long remonstrated in vain, and the greater portion of which have been recognised as existing, and have been the subjects of promises and declarations which had raised a hope that they would be speedily redressed. It was, therefore, with deep regret and at the same time with surprise, that we heard your Excellency announce to us that Her Majesty's Ministers, before adopting any measures for the removal of the numerous abuses aforesaid, had "resolved to propose to the House of Commons, that a vote of credit should be passed for the advance, by way of loan from British funds, of the sum required for the payment of the arrears due to the public officers," with the view that this sum should be thereafter drawn from the provincial chest by virtue of an Act of the Imperial Parliament, if this House should not, by granting the requisite supplies, obviate the necessity of any further action on the part of the Imperial Parliament.

We should have believed, that under a government which, like that of the mother country, founds its fairest claim to the consideration of other nations, on its respect for the natural and political rights of the subject, would have felt that, before proceeding to meet by measures of so extreme a nature, and so destructive of the constitutional rights of a whole people, the refusal of this House to provide for the expenses of the civil government of the province, it would be right to remove the main causes of this refusal, founded as it was on the existence of open and acknowledged abuses and grievances. We should think we were deceiving your Excellency and the Imperial Government, if we did not frankly and firmly declare, that whatever be our anxiety to forward the work of conciliation, we regard these measures as an attack upon the property of the people, and upon the most sacred right of the House, and as tending greatly to affect the security of Her Majesty's loyal subjects in this province, and their confidence in Her Government; and, therefore, as constituting a serious obstacle to the arrangement of the existing difficulties, and as tending to weaken the ties which bind this colony to the mother country.

We ask leave further to represent to your Excellency, that when this House, during the last session of the provincial parliament, came to the determination to suspend its deliberations, it was influenced chiefly by the conviction, grounded on the result of the preceding session, that it could not with advantage to the country enter into the labours and incur the expenses of a regular session, in conjunction with the present Legislative Council, whose anterior proceedings breathed nothing but factious opposition to the wishes, wants and interests of the people. The two Houses of the Imperial Parliament, by declaring (as your Excellency tells us they did), "that it is expedient to adopt measures for securing to that branch

branch of the legislature a greater degree of public confidence," have come forward to corroborate the opinion which the House held and still holds with regard to the Legislative Council. And we cannot refrain from here expressing our astonishment that this significant and solemn declaration, that one of the branches of the legislature appointed by the Crown is not so constituted as to enjoy the confidence of the public, should be communicated to us at the same time with an imperative demand for supplies; and while her Majesty's Government has done nothing towards securing to that branch a higher degree of public confidence. The supplies are, as we humbly conceive, granted by the Commons solely in consideration of their entire confidence in the Government; and this confidence cannot exist while the Government leaves untouched a legislative body which it openly acknowledges not to possess the confidence of the public. But the astonishment produced by such a declaration, accompanied by such a demand, must be succeeded by a more painful feeling, when we are told that our rejection of this demand will be followed by the taking of the provincial monies under the authority of an Act of the Imperial Parliament. The people of this province would thus be punished by the violation of the most important of their rights for the fault of the executive authorities, local or imperial, in abandoning the spirit of the Constitutional Act, by declining so to constitute the Legislative Council as to secure public confidence in it, and by persisting in maintaining the present vicious composition of that body, notwithstanding the complaints of this House and the people it represents, reiterated during many years.

Conduct like this on the part of the Imperial authorities would destroy in us for ever all confidence and all assurance in our present state of political existence, if we were not sustained by the hope that the two Houses of the Imperial Parliament and Her Majesty's Government have been induced to adopt it by a forced interpretation of the terms in which this House, during the last session, declared its determination to suspend its deliberations. If this interruption has not been seized with avidity, and for the purpose of using it as a pretext for coercive measures towards the colony,—if a more precise and clear declaration of the meaning of this House can yet induce the Imperial authorities to prevent the effects of their misunderstanding, we declare that we have always held, and that we still hold, that the only means of insuring to the country, in a permanent and satisfactory manner, the advantages of representative government, would be to apply the elective principle to the Legislative Council; and that we cannot, therefore, recommend the adoption of any other means. But if, in despite of the unhappy experience of half a century, and, above all, of the vain attempt recently made to reform that body, in pursuance of the solemn recommendations of the Canada Committee of 1828, Her Majesty's Government still retains the hope of being able so to remodel it as to enable it to answer the purposes of its institution, and to secure public confidence in it, it is for Her Majesty's Government to hasten to have recourse to this measure and to put it to the proof. It will then remain for this House to consider whether the reform thus effected is such as to lead to the hope of a system of legislation useful and honourable to the country, which is the sole object this House has sought to attain in demanding the application of the elective principle to the Legislative Council of this province.

We now proceed to represent to your Excellency that the declaration made by the two Houses of the Imperial Parliament, on the subject of the Legislative Council of this province, is calculated to revive the hope that that branch of the legislature will, at a period perhaps not far distant, but which is left indeterminate, be so composed as to lead the country to hope that, for a time at least, a regular and beneficial system of legislation may exist; but as this declaration neither changes nor weakens the reasons which, at the last session, induced this House to suspend its deliberations, we find ourselves under the painful necessity of adhering to the determination we then came to, of suspending our deliberation until the consummation of the reforms (and that of the Legislative Council above all) announced by and in the name of the Imperial authorities, which, by reviving confidence and restoring harmony in the legislature, will give hope of the speedy disappearance of the numerous subjects of complaint enumerated in the several resolutions and addresses of this House in former sessions. We therefore assure your Excellency, that the work of reform once thus begun on the part of the Government, this House will be ready to receive, consider, and, if possible, to agree to the several proposals which Her Majesty's Government may have to make to it for the final arrangement of the financial and other difficulties which have so long existed in this province; and also to recommence the regular course of its deliberations, which have only been interrupted in consequence of the conviction which the House then felt and still feels, that no other result could now attend them than that of burdening the people with considerable expense without any of the great advantages which they have a right to expect from a session of the legislature.

We ask leave yet further to represent to your Excellency, that although we do not make particular mention of the Executive Council, because we consider the reform of that body as intimately connected with that of the Legislative Council, we do not consider this reform as less essential to the good government of the province, or less adapted to forward the work of conciliation. Certain recent proceedings of the Executive, which appear to be only the prelude to divers others, lead us to regret that the head of the local administration should not, under existing circumstances, have been surrounded by men possessing the confidence of the public, and uniting with great experience in business a perfect knowledge of the feelings and disposition of the people, and who, as such, would not have advised the head of the executive to acts which can only increase the difficulties already existing.

The particular and local objects pointed out by your Excellency, and, more especially,
the

No. 31.

Earl of Gosford to
Lord Glenelg,
30 August 1837.

Enclosure in No. 31.

Enclosure in No. 31. the advances of public money made to relieve the distress in certain parts of the province, and for other purposes, shall be the subject of our deliberations as soon as the circumstances of the province will permit.

— No. 32. —

No. 32.

COPY of a DESPATCH from Lord *Glenelg* to the Earl of *Gosford*.

Lord *Glenelg* to the
Earl of *Gosford*,
6 October 1837.

(No 274.)

My Lord,

Downing-street, 6 October 1837.

I HAD the honour to receive on the 2d instant your Lordship's despatch, No. 87, of the 26th August, enclosing copies of the addresses which were presented to you by the Legislative Council and House of Assembly of Lower Canada in reply to the speech with which you opened the session, and also copies of your answers to those addresses. I received, at the same time, your subsequent despatch, No. 89, of the 30th August, containing a summary of the proceedings of both branches of the provincial legislature, from the commencement of the session to its close, and reporting that you had been under the necessity of proroguing the provincial parliament.

In answer, I have to acquaint your Lordship that I fully approve of your conduct on this occasion.

I shall take an early opportunity of addressing you more at length on the present position of affairs in the province, than I am able to do by this opportunity.

I have, &c.

(signed) *Glenelg*.

— No. 33. —

No. 33.

EXTRACT of a DESPATCH from the Earl of *Gosford* to Lord *Glenelg*,
dated Castle St. Lewis, 2 Sept. 1837.

Earl of *Gosford* to
Lord *Glenelg*,
2 September 1837.

"You will receive an official despatch from me, dated 30th August 1837, (No. 89.), giving you an account of the proceedings of the legislature here from the commencement of its meeting on the 18th August, to its prorogation on the 26th of the same month. It is evident that the Papineau faction are not to be satisfied with any concession that does not place them in a more favourable position to carry into effect their ulterior objects, namely, the separation of this country from England, and the establishment of a republican form of government. Mr. Papineau has gone such lengths that he must now persevere in the course he has taken, or submit to a defeat which would annihilate all his power and influence; the plan he pursues clearly shows, that he is determined to do all he can to obtain his ends. The violent and unjustifiable attacks which have been made by the ultra tory party upon the French Canadians generally have caused an animosity, which Mr. Papineau does not fail to turn to account, and I attribute much of his influence over so many members in the Assembly to this cause. Mr. Papineau has emissaries in various directions, and though I do not conceive there is any ground for alarm, still great caution and vigilance is required to guard against the evils that might follow from the attempts making to excite discontent among the people by the most abominable misrepresentations. The executive requires more power, and under my present impression, I am disposed to think that you may be under the necessity of suspending the constitution. It is with feelings of deep regret I state this, but duty compels me to communicate it to you.

— No. 34. —

No. 34.

Earl of Gosford to
Lord Glenelg,
8 September 1837.

EXTRACTS of a DESPATCH from the Earl of *Gosford* to Lord *Glenelg* (marked private and confidential), dated Castle St. Lewis, 8 September 1837.

“OF late the meetings of the Papineau party have been less frequent; one object in having them in so many districts, previous to the meeting of the legislature, was, no doubt, to influence the votes in the Assembly, and it had this effect. The plan now seems to be to keep the country in a state of excitement by means of a convention, or, as it is termed, a central committee, which meet regularly in Montreal, and at which Mr. Papineau and his party make a point, as I am informed, of attending. It is stated that all orders and instructions to the local committees throughout the province emanate from that body, who profess to publish its proceedings in the *Vindicator* and *Minerve*; and though these proceedings have evidently a treasonable tendency, they have not as yet reached such a point as to make it wise or judicious for the executive to institute legal proceedings against any of the parties concerned. The Attorney-general is now in Montreal, and I have strongly urged upon him the necessity of keeping a good lookout, and I am determined to have recourse to a court of law when an occasion occurs to justify such a step, but to attempt it without a strong case might do more harm than good. The injurious effects that must result from a convention, such as I have alluded to, are obvious. Had the executive the power of suspending the Habeas Corpus it would be in a better position to meet the difficulty should the conduct of the conventionalists compel it to have recourse to more vigorous measures than the ordinary course of the law prescribes; and from the madness of their acts now, I cannot but admit that there is a possibility of my being driven to the necessity of exercising a power, that I should most gladly abstain from, if any other mode presented itself by which the designs of this party could be frustrated. However, should circumstances arise for apprehending such a crisis, it must be met by promptness, firmness, and decision; to attempt anything of a temporising character would be weak and futile. I should at once avail myself of the powers confided to me. We can now make no terms with Mr. Papineau; you must either put him down, or submit to let him put you down; there is no halting between two opinions. By at once increasing the power of the executive and suspending the constitution, you at once paralyze the designs of these mischievous men; it would establish confidence in the minds of those disposed to peace and good government, and at no distant period you might be solicited to restore the constitution to the province, under arrangements better calculated to afford satisfaction than could be accomplished by any effort or proposal in the present state of things; for, until you nullify Papineau's power, you can never be in a position to treat on any thing like fair and liberal terms with a man of his extravagant, uncompromising, destructive views, exercising, as he does, complete control over the minds of many who have been too long accustomed to be under his yoke. As I stated in former letters, I do not expect any serious commotion; at the same time, when I see so many clever unprincipled engines in action, yielding implicit obedience to the mandates of such a man as Mr. Papineau, it is impossible to set limits to the extent of mischief they may construct. The jealousy that exists between the two origins is also a powerful instrument in the hands of a convention or central committee, as before alluded to, and corresponding, as they no doubt do, with various parts of the province. The two extremes are doing incalculable mischief, and must disgust every friend to liberal measures. The feelings of the great body of the French Canadians are decidedly loyal and favourable to peace and order, and it now rests with the Government, by wise and judicious measures, to protect them from the designs of those who are now working upon their credulity by the most gross misrepresentations and contrivances. The jealousy that existed between the two races I found upon my arrival here had reached such a height, that from the first I considered it one of the principal obstacles to a satisfactory adjustment of difficulties. I must, however, observe, that this has greatly diminished; and I can reckon as friends to my administration a large proportion of the reasonable and liberal men of the province. The ultras on both sides are struggling for ascendancy, and my determined opposition to the views of both in this respect, perhaps may in some measure

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Earl of Gosford to
Lord Glenelg,
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account for their hostility to me, but I cannot relinquish my principles on this point. It is a matter of great regret to me that I could not at an earlier period have given a practical proof of my political views, and by acts to show my determination to redress certain grievances, which evidently called for it; however it is too late now to talk of this. I was obliged to share with others in submitting to circumstances over which there was no control. My situation now is not an enviable one, and, on every private consideration, I shall gladly relinquish it. It is probable, and indeed reasonable, that if matters here should come to extremities, you would prefer to have a man in my place who had not so avowedly declared his wish to carry on his government on the principle of conciliation. In stating this, be assured at the same time, that I do not shrink from the difficulties which surround me, nor would I wish in any way to embarrass the Administration. A public despatch accompanies this, which enters more into official details.

I have, &c.

(signed) *Gosford.*

— No. 35. —

COPY of a DESPATCH from the Earl of *Gosford* to Lord *Glenelg*.

(No. 90.)

No. 35.

Earl of Gosford to
Lord Glenelg,
9 September 1837.

My Lord,

Castle of St. Lewis, Quebec, 9 Sept. 1837.

As I have not heard for the last three or four weeks that any public meetings have taken place similar to those alluded to in the first part of my despatch of the 11th of July last, No. 69, I begin to conclude that this mode of agitation has been abandoned for the present. I understand that since its commencement in the early part of May last, upon the Ministerial Resolutions becoming known in this country, there have been held in different parts of the province about 23 meetings, styled, by those who convened them, "Anti-coercion meetings." Of these by far the greater number took place in the district of Montreal, five only being held in the district of Quebec, two in that of Three Rivers, and one in the district of St. Francis.

The principal objects of the resolutions passed at these meetings were to condemn the Ministerial measures and the policy of the home and local administration; to recommend smuggling, and the adoption of other measures for cutting off the sources of and diminishing the revenue; to excite to disaffection and resistance towards the imperial and provincial authorities; to suggest the formation of central and permanent committees for political purposes in each county, and of a general convention for the whole province; and finally, to create a feeling which would lead to the severance of the connexion between the colony and the parent state, by representing that justice was no longer to be expected from the latter, but only tyranny and oppression, and by disseminating doctrines and employing language and banners of a seditious, inflammatory, and disloyal character. For the correctness of this statement I would refer your Lordship to what passed at the meetings held in the counties of Richelieu, Montreal, Verchères, St. Hyacinthe, and Saguenay, as reported in the English organ of this party, the "Vindicator" newspaper of the 12th, 16th, and 26th of May, and 9th of June last, and of the 1st ultimo.

The great difficulty of procuring strict legal evidence for bringing home, in a court of justice, to the parties concerned the charges that might be founded on the proceedings had at these meetings, added to the questionable policy of political prosecutions, especially at a time like the present, when the minds of a portion of the jury summoned to try the offence would probably be poisoned by the misrepresentations and efforts of the disaffected, have as yet prevented any resort to the courts of law for the punishment of those implicated in such proceedings. Indeed, in two recent instances, where the Attorney-general preferred bills of indictment in the Court of King's Bench at Montreal, one against a Dr. Duchesnois, for publicly tearing and treating with contempt the proclamation issued by me on the 15th of June last, and another against certain individuals in the county of the Two Mountains, for a conspiracy to drive out of the county, by means of threats and acts of violence, several inhabitants, because they

they held opposite political opinions; the bills have been ignored by the grand jury, in the face of the strongest evidence, and after the Attorney-general had, at the request of their foreman, (Mr. L. G. Brown, of Beauharnois,) laid before the panel most positive legal authority in support of both. Enclosure No. 1 is the Attorney-general's report to me of this matter.

In these circumstances, and as it appeared from some of the public prints that many persons holding commissions from the Crown as justices of the peace or officers of militia, attended these meetings, I directed my civil secretary to write to the most prominent of those who were reported to have taken an active part by moving and seconding resolutions, inquiring whether they were present, and if so, whether they had any explanation to offer in their justification. With a few exceptions all have replied, admitting that they were present, and either denying the right of the governor to demand an explanation from them, or giving none that was satisfactory. It consequently became my irksome duty as head of the executive government here to prevent the weight and influence conferred by its authority from being thus abused; and accordingly I have had to dismiss up to the present time 18 magistrates and 35 militia officers, nine of whom were also in the commission of the peace. In these dismissals are comprised seven members of the Assembly, including the Speaker, Mr. Papineau, who was major of the 3d battalion of militia in the county of Montreal, and had assisted at five or six of the meetings. I enclose for your Lordship's information a copy of the letter addressed to this gentleman, and of his reply thereto, on the tone and style of which I need make no comment.

Although there has been, I am happy to say, no recurrence of the outrages reported in the latter part of my despatch of the 11th of July last, and although agitation by means of public meetings appears to have ceased, yet the efforts of those who are seeking, as it would seem, to disturb the existing order of things continue unabated, and show themselves in seditious and inflammatory publications and in the resolutions and acts of the committees that have been organized in one or two counties in the district of Montreal, where the proceedings are of a private and exclusive character, though some of them are occasionally made public through the organs of the party, the "Minerve" and "Vindicator" newspapers. The principal of these committees, styled the Central and Permanent Committee of the county of Montreal, holds its sittings weekly in the city of Montreal, and the objects of it, as set forth in the 13th resolution passed at the meeting of St. Laurent (county of Montreal) on the 15th of May, are "to watch over the political interests of the country,—to correspond with the other counties in this and the sister province,—to adopt such measures as may from time to time appear necessary to protect the rights of the people and advance the cause of good government in these colonies; and to carry into execution, as far as lies in the power of the committee, the various recommendations, suggestions and determinations agreed to at the meeting." What these recommendations and determinations are your Lordship will find on reference to the "Vindicator" of the 16th of May; and for the names of those who compose this committee I must beg to refer you to that of the 19th of the same month.

There have been no steps yet taken, as far as I can learn, for establishing a general convention beyond the recommendation contained in the resolutions adopted at the different meetings for organizing one, and the naming, in such resolutions, delegates to attend when the time and place of assembling shall be fixed.

That this state of affairs seriously augments the difficulties of carrying on the government, and operates most injuriously upon the welfare and prosperity of the province must be quite obvious. With the exception of some of the counties in the district of Montreal, I believe the mass of the population is contented and loyal, and that the attempts that are making to shake its allegiance and to create confusion will be unsuccessful.

Before closing this communication I should mention that there have been six meetings held, including those in the cities of Quebec and Montreal, of which I have already apprized your Lordship, where resolutions were passed of an opposite character to those I have above noticed.

I have, &c.

(signed) *Gosford.*

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Earl of Gosford to
Lord Glenelg,
9 September 1837.

Enclosure No. 1,
7 September 1837.

Enclosure No. 2,
12 August 1837.

Enclosure No. 3.
14 August 1837.

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Lord Glenelg,
9 September 1837.

Enclosures
in No. 35.

(No. 1.)

Enclosures in No. 35.

My Lord,

In Court, Thursday, 6 o'clock.

I WRITE from Court, and have only time pending a trial to say that the grand jury have just come into Court with a bill of indictment against Dr. Duchesnois, for tearing the proclamation of June last, as not found; the same fate has attended the bill against the individuals at St. Eustache, for a conspiracy to drive certain of the inhabitants of different political sentiments from the county, and both in the teeth of the strongest possible evidence, and after I had laid before them, at the request of the foreman (Mr. Brown of Beauharnois), most positive legal authority in support of both.

I am, &c.

(signed) C. R. Ogden.

N. B.—This letter was received on Saturday, 9th September 1837.

(No. 2.)

Sir,

Castle St. Louis, Quebec, 12 August 1837.

THE attention of the Governor-in-Chief having lately been called to a report, contained in the "Vindicator" newspaper of the 16th of May last, of the proceedings of a meeting held on the previous day at St. Laurent, in which you are stated to have taken an active part, and where resolutions were passed, some of which distinctly recommend a violation of the laws, I am directed by his Excellency to call upon you, as one holding a commission from the Crown, to state whether you were present at that meeting and concurred in the resolutions there passed, and if so, I am to inquire whether you have any explanation to offer in this matter.

I have, &c.

The Honourable L. J. Papineau, }
Major, 3d Battalion Montreal Militia. } (signed) S. Walcott, Civil Secretary.

(No. 3.)

Monsieur,

Montreal, 14 Août 1837.

La prétension du Gouverneur de m'interroger sur ma conduite à St. Laurent, le 15 de Mai dernier, est une impertinence que je repousse par le mépris et par le silence.

Je ne prends donc la plume que pour dire au Gouverneur, qu'il est faux, comme dans son ignorance il le peut croire, ou comme du moins il le dit par votre lettre du 12 de ce mois, que quelques unes des résolutions adoptées dans l'Assemblée du Comté de Montreal, tenue à St. Laurent le 15 de Mai dernier, recommandent la violation de lois.

Votre obéissant serviteur,

S. Walcott, Secrétaire Civil.

(signé) L. J. Papineau.

— No. 36. —

COPY of a DESPATCH from the Earl of Gosford to Lord Glenelg.

(No. 104.)

No. 36.

Earl of Gosford to
Lord Glenelg,
5 October 1837.

My Lord,

Castle of St. Lewis, Quebec, 5 Oct. 1837.

IN my despatch of the 9th ult., No. 90, I informed your Lordship that the Attorney-general had preferred bills of indictment against a Dr. Duchesnois for publicly tearing and treating with contempt the proclamation I had issued on the 15th of June, appealing to the good sense and loyal feeling of the population, and against certain individuals in the county of Two Mountains, for a conspiracy to drive out of the county, by means of threats and acts of violence, several of the inhabitants, because they held opposite political opinions, and that such bills had been ignored by the grand jury at Montreal, in the face of the strongest evidence supporting them. I have now the honour to acquaint you, that on hearing that the Attorney-general had, after the loss of the bills, immediately filed *ex-officio* informations against the same individuals for the same offences, I called upon him for a statement of the reasons which induced him to adopt that course. He has accordingly transmitted to me the enclosed report, with the several affidavits appended thereto, which I forward for your information, as it will put you in possession of the state of feeling in that part of the country, and the occurrences which led to the proceedings in question, more fully and distinctly than the brief outline contained in my despatch of the 9th ultimo can have done.

I have, &c.

(signed) Gosford.

2 October 1837.

AFFAIRS OF LOWER CANADA.

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No. 36.

Earl of Gosford to
Lord Glenelg,
5 October 1837.

Encl. in No. 36.

To his Excellency the Right Honourable Archibald Earl of Gosford, Baron Worlingham, of Beccles, in the county of Suffolk, Captain-general and Governor-in-chief in and over the Provinces of Upper and Lower Canada, Vice-admiral of the same, &c. &c. &c.

May it please your Excellency,

IN obedience to the commands of your Excellency, conveyed to me by your Excellency's communication of the day of September last, I avail myself of the first interval in my official occupations to acquaint your Excellency with the reasons which influenced me in filing *ex-officio* informations in Her Majesty's Court of Queen's Bench, for the district of Montreal, against certain parties who had been previously discharged from similar accusations by the grand jury of that district.

It is hardly necessary for me to recall to the recollection of your Excellency the disturbances excited in different parts of the district of Montreal during the months of June and August, which though exaggerated by the representations of those whose object it was to aggravate the evil, were still considered of sufficient importance to attract the attention of Her Majesty's Government in this province. Meetings had been held in various counties under the superintendence of those who are styled the leaders of the patriotic or Canadian party, at which banners and symbols and other paraphernalia of political incendiarism had been exhibited. Speeches of an inflammatory nature, appealing to the passions and to national prejudices, had been addressed to a large section of the population of this province; certain measures of the Imperial Parliament had been misrepresented and prejudged, the intentions of Her Majesty's Administration calumniated; a system of resistance or evasion of the laws indicated and strenuously recommended; and, indeed, every expedient adopted which could create alarm and distrust or infuse a spirit of insubordination and disloyalty into the breasts of the otherwise peaceably disposed inhabitants of that district.

These machinations were but partially successful. In the county of Two Mountains, however, where many settlers of British origin are interspersed among the Canadian population, an attempt was made to carry the intrigues of the patriotic leaders into practical effect. A system of proscription, based upon national distinctions and political prejudices was adopted and pursued. The British inhabitants and those loyal Canadians who adhered to the political principles of their British fellow-subjects, perceived on a sudden that all intercourse between them and those of their neighbours who professed a different political opinion was studiously denied; all interchange of the ordinary offices or the common necessities of life had abruptly terminated, they had incurred the penalty of social excommunication. Nor was this process of political propagandism of a negative character only; depositions which were transmitted to me in my official capacity, copies of which I have the honour herewith to forward for your Excellency's perusal, will sufficiently show how soon this vexatious estrangement was succeeded by acts of unequivocal aggression. Mobs assembled by night, and with shouts of intimidation and threats of personal violence endeavoured to terrify the loyal inhabitants into an adoption of their principles. The house of one Jean Baptiste Cleval, a captain of militia, and a man distinguished for his loyalty in that part of the district, was fired into, to the imminent danger of the lives of his family. Another person of the same name, one Toussaint Cheval, who from his opposition to the political principles of the conspirators had rendered himself equally obnoxious, was assaulted in his own house and compelled to fly from his home and family, and to secrete himself for some days in the neighbouring province of Upper Canada. The British subjects (settlers) were also subjected to a series of harassing annoyances, their fences were broken down, their cattle driven astray, their horses cropped and otherwise disfigured, and a variety of petty injuries inflicted, which it would be unimportant to advert to, were it not for the irritation they were calculated to inspire and the retaliatory spirit they had already provoked; for it will be shown by the depositions to which I have already had the honour to refer your Excellency, that the sympathies of the British inhabitants in the neighbouring settlements were aroused, a feeling of exasperation had been engendered, and they had manifested a determination, if the wrongs of their fellow-countrymen remained unredressed by the law, to take the law into their own hands.

Her Majesty's Government in this province immediately took measures to suppress this system of illegal coercion. It had been ostentatiously asserted by the partizans of the patriotic faction that it was not in the power of the Government to check these outrages, or punish the offenders, and that the people of the county of Two Mountains would resist the apprehension of the delinquents to the utmost extremity. The police, however, of the district, after having encountered some opposition, was found sufficient to arrest the principal disturbers of the peace in that county, who were put under bail to appear and answer to any charges which might be preferred against them at the ensuing criminal term of the Court of Queen's Bench for the district.

During the progress of these disturbances it had been deemed expedient by your Excellency to issue a proclamation to the people of this province, appealing to the good sense and loyal feeling of the population, and exhorting all men to reject the insidious counsels of a few designing individuals, and to maintain the cause of order and good government.

This proclamation, at the instigation of those against whose intrigues it was directed, was treated by some few individuals in the district of Montreal with marked indignity, the

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declared object of which was to bring the Government into contempt, and to induce a belief among the uninformed and inconsiderate that the government of the province was not legally competent to punish this or any other insult which might be offered to its authority.

At Varennes, a parish in the vicinity of the city of Montreal, this proclamation, which had been attached to the church door by Alexis Pinet, esq., an active and loyal Canadian magistrate, was torn down at the conclusion of Divine service, and in the presence of the departing congregation, by Eugene Napoleon Duchesnois, esq., a physician, residing in that parish, with many expressions of contumely and contempt; the station occupied by this individual in society, and the influence of his example, seriously aggravated the offence, while the attacks which had been subsequently made upon the reputation and motives of Mr. Pinet, and the injury which had been attempted to be inflicted on his business, rendered it, in my humble apprehension, indispensable that the Government should interfere for the vindication of that respect to which it is entitled, and to show that it is neither too timid nor too weak to protect a loyal subject in the legitimate and manly discharge of a public duty.

It became also a matter of importance to quiet the alarm and appease the irritation of the British population throughout the province, and to assure them that Her Majesty's Government possessed the power and determination to secure them from outrage of whatever character and from whatever quarter arising; and further, by a firm and decided application of any and every remedy sanctioned by the constitution, to deter any who might possibly entertain systematized or ulterior designs, by demonstrating that the laws which protect all classes of the subjects of Her Majesty in this colony, and maintain its connexion with the British empire, are neither to be evaded with success or violated with impunity.

At the meeting of the Court of King's Bench for the district of Montreal, in the term of August and September, my attention was naturally directed to the composition of the grand jury assembled for the district, and from my personal acquaintance with the political opinions of the majority of those attending, I could not but entertain doubts as to the success of any indictments for political offences which it might be my duty to lay before them; still, whatever might have been my private opinions, I did not feel myself authorized by any premature proceeding by *ex-officio* information to impute to the grand jury of that district, by implication or inference, a possible dereliction from the duty they were called upon to perform.

Indictments were in due course laid before that body against Eugene Napoleon Duchesnois, for unlawfully and seditiously destroying a proclamation, and against Isidore Lauzon, Lesite Dupras, Francois Darnes and M. Danes, for a conspiracy to drive one Toussaint Cheval out of this province, and having in fact compelled him to fly from the province; a third bill of indictment against Ls. Bourignon, Luc Lefevre, Francois Labelle and Jacques Massie, for a conspiracy to compel divers inhabitants of the county of Two Mountains to quit the province, was also prepared, but reserved until I was made acquainted with the fate of the two first abovementioned.

The evidence by which these indictments were supported is of an unimpeachable character; the depositions of the witnesses are herewith laid before your Excellency; to remove any doubts which might possibly arise as to the strict legality of the proceedings, I made it my duty to submit and explain to the grand jury the legal authorities which governed the prosecutions; the two bills thus laid before the grand jury were returned "No bill." Under these circumstances I felt it incumbent upon me to exercise that power with which the Crown is invested, and which is entrusted to the discretion of the Crown officers in this province. I could not permit a belief to get abroad that offences so pregnant with future evil could escape unpunished, from any indifference or connivance in the administration of justice; I knew that the projected triumphant return of these offenders to their respective parishes, in defiance of the law, would have been a signal for renewed disturbances; I foresaw that an ambiguous inactivity or mistaken leniency would have been instantly misconstrued into irresolution or fear, and in filing *ex officio* informations for misdemeanors in all the above cases, I felt supported by the firm conviction that I was performing a duty and assuming a responsibility demanded at this moment by the general interests of Her Majesty's Government, and of the people of Lower Canada.

Quebec, 2 October 1837.

(signed) C. R. Ogden, Att.-Gen.

Montreal.

Robert Hall, of the parish of St. Scholastique, yeoman, after being duly sworn on the Holy Evangelists, deposeth and saith, as follows:

I have lived with my family in the said parish of St. Scholastique for two years past. I have always lived on the best terms with my neighbours, the Canadians; but since political meetings have been held in that and the adjoining parishes of St. Benoit and others, the Canadians have ceased to have any communication with the inhabitants of English extraction. After certain committees were organized and appointed in this parish, depredations were committed almost nightly on the said English inhabitants, as also some Scotch inhabitants, and on the Canadians who do not belong to the patriot's party. On the night of the 28th of June last, the door of my house was broken open by that party, and one of the windows of the house smashed to pieces with stones; one of the stones, about five pounds in weight, fell very near to some of my infant children, who slept in a bunk on the floor; part of my fences were thrown down and destroyed, and my corn-field laid open to the cattle, in which I found several heads of cattle the ensuing morning. My horses' manes
and

and tails were shaved and so disfigured, as to be almost unfit for use, so much so, that when I travel with them I am universally laughed at. I had several horses belonging to Canadians grazing on my farm, and their owners were compelled, by the threats that were made to them, to take them away from me. That same party have acted in the same manner and committed similar outrages on nearly all the inhabitants who do not join their party; several have, through fear of injury being done to their persons and property, been compelled to enlist in their ranks and to sign a petition to the Congress in the United States of America, and those who still decline to join their party are threatened that their houses and barns will be burnt down. I have frequently seen, in the evening after dark, parties of about 40 or 50 men going about the cotes, the greater part carrying fire-arms, whom I am told are training for the purpose of repelling any force which might be sent from Montreal to arrest any of that party. It was reported in that part of the country on Thursday last, that a party of constables had arrived at cote St. Joseph, in the parish of St. Benoit, and I have since ascertained that fact to be true; and in the course of that afternoon, I saw a courier belonging to that party, apparently coming from St. Eustache, going from house to house, and telling the people to be ready with their guns at any time they might be called upon; and it is generally reported, that these preparations were making for the purpose of repelling the constables, who it was reported were to return and arrest three of the accused, who had not been taken; I heard it stated that same evening by Mr. Hector Barcelo, son of Jacob Barcelo, justice of the peace, residing at St. Scholastique, that he had ordered four ramrods to be made by one Belisle, a carpenter, and that they were to be ready for the ensuing morning. On Thursday last a Dr. Robertson, who was returning from Montreal and going to La Chute, having stated that 13 constables and 400 soldiers were coming to Belle Riviere to arrest some persons there, he saw that same evening several parties of men, each party consisting of five or six men, repairing to the bush or woods along the road at different stations, mostly all armed with guns, powder-horns, and shot-bags. The military force, which it was reported was on their march towards St. Scholastique, if such had been the case, would have had to pass near the bush in which the said armed parties of men had gone. It was reported the next day, and the deponent firmly believes it to be a fact, that the said parties abovementioned had no other motive for so doing than of laying in ambush to attempt to repel and intercept the said military force if it had come. I was credibly informed that some of those parties remained on the watch in the bush all night. It is my firm belief, that if any unarmed civil force was sent out to arrest any one of that party there they would be repulsed, and fired at if they offered any resistance.

Four Irishmen from the Gore, in the neighbourhood of La Chute, told me, that if their assistance was required by the inhabitants of English, Irish and Scotch extraction of St. Scholastique and St. Benoit to protect them from the ill-usage they were constantly undergoing, they would come down in a body and give them that assistance. It is my intention, and I believe it is also that of the other inhabitants who do not belong to the patriot party, to avail themselves of the offer of the said Gore inhabitants if the government of this province does not relieve us from the cruelties we have undergone and are still exposed to.

(signed) *Robert Hall.*

Sworn before me this 15 July 1837.

(signed) *P. E. Leclerc, J. P.*

John William Roberts, of St. Scholastique, saddler, being duly sworn, doth depose and say, that he lives neighbour to Robert Hall, who rents this deponent's farm, that he has read the foregoing deposition of the said Robert Hall, the facts contained in which are all true to the deponent's personal knowledge; and further, the deponent saith that, on the 29th day of June last, John Siras Hawley, another of the deponent's tenants, came to the house of deponent, and had some high words with the said Robert Hall, who told him the said Hawley, that he was a seditious firebrand among the people, and this on the subject of a petition, which it was proposed in that part of the country to send to the Congress of the United States. That the said Hawley said, that he had as much right to counsel the people to sign that petition as the Tories had to coerce them. That the said Hall then told him that the said petition was of such a treasonable nature, that he would in proper time complain to the authorities of him, when the said Hawley requested and begged of the said Hall not to do so, and to have mercy on his family and character. That the deponent considers that Jacob Barcelo, esquire, justice of the peace, and Doctor Masson, also justice of the peace, the latter of St. Benoit, the former of St. Scholastique, are ringleaders of the party who commit the said outrages.

(signed) *J. W. Roberts.*

Sworn before me, at Montreal, this 15 July 1837.

(signed) *P. E. Leclerc, J. P.*

Province du Bas Canada, District de Montreal.

Eustache Cheval, ecuyer, capitaine de milice, residant à la côté du Petit Brule, en la paroisse de St. Eustache, après serment dûment prêté sur les Saint Evangiles, dépose et dit, Que depuis le printemps dernier, et plus particulièrement depuis que des assemblées pour des fins politiques se sont tenues dans la paroisse de St. Eustache, et celles de St. Benoit et St. Scholastique, qui l'avoisient, certaines personnes, qui lui sont inconnues,

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auraient faites beaucoup de dommage aux habitants qui étaient opposés à eux en politique, et ce, parcequ'ils étaient fidèles et loyaux sujets de sa Majesté, et ne voulaient pas souscrire à des mesures qui ne tendaient qu'à la sedition et au bouleversement du pays; qu'on aurait tendu la crin de la queue, et la crinière de quantité de chevaux jetté des clôtures à bas, de nuit, et fait entrer les animaux dans des pièces de grain, et en outre fait faire des menaces d'incendier et brûler les propriétés, et par là mis les dits fidèles et loyaux sujets de sa Majesté (dont le déposant est du nombre) dans le danger le plus imminent, tant pour leurs personnes que leurs propriétés, et ce, à un tel degré que le déposant, ainsi que nombre d'autres, ont été forcés de veiller plusieurs nuits pour se soustraire aux dangers dont ils étaient journellement menacés: que le nommé Michel Charbonneau, habitant du même lieu, aurait informé le déposant avant hier, "Qu'à fin de vivre en paix, il avait été forcé de se joindre au parti se désignant sous le titre de parti patriotique, et pour cette fin serait allé chez Jacob Barcelo, ecuyer, J. P., à St. Scholastique, lequel juge de paix, l'aurait de suite conduit chez les nommés Joseph Beautron, dit major, et Ed. Beautron, dit major, aubergistes, et commerçants au dit lieu de St. Scholastique, où ils se seraient tous divertis, et après quoi on l'aurait reconduit parti du chemin chez lui." Que Vendredi dernier, vers les 11 heures et demie du soir, les nommés M. Charbonneau, Augustin Roehen, M. Moran, et John Oswall, tous habitants du Petit Brulé, paroisse de St. Eustache, seraient venus avertir le déposant que sa maison devait cette nuit là être attaquée ou incendiée, attendre que le déposant était un Chonzer, c'est à dire, approbateur des mesures politiques du gouvernement de cette province, et par conséquent opposé au dit parti patriotique, et se seraient offerts au déposant pour veiller avec lui; que deux d'entr'eux, Oswall et Moran, avaient leurs fusils, et le déposant s'étant armée du sien, ils se seraient tous mis à garder la maison; qu'avant de s'armer de son fusil, il fut à ses batiments, et aurait vu un homme sortir de son étable, et se sauver à travers les champs, qu'il croit sincèrement avait l'intention ou de tondre ses chevaux, ou d'incendier ses batiments, sans qu'il put l'arrêter ou le reconnaître; qu'enfin, vers minuit, un coup de fusil fut malicieusement déchargé dans une fenêtre, dans une côté de sa maison où il y avait une lumière, dont le plomb et les balles auraient pu causer la mort si quelqu'un de sa famille se fut trouvé dans la dite fenêtre, et ce, par quelques personnes malintentionnés qu'étaient cachées auprès de sa maison, et qui prirent la fuite; que durant tout ce temps sa femme et ses six enfants étaient debout dans une état d'appréhension et d'alarme continuelle; que des morceaux de vitres cassées par le coup de fusil en question auraient déchirée la peau au visage d'une de ses filles nommée Marguerite; que le déposant d'après les marques du plomb sur le mur croit que le dit fusil devait être chargé de trois balles et de quantité de petit plomb; que, vu l'obscurité, de la nuit, le déposant non plus que ses amis ne purent faire la poursuite de ces malfaiteurs; qu'environ 40 minutes après ces mêmes malfaiteurs, comme le croit le déposant furent chez Joseph Cheval, son neveu, dans la même côté, et tirèrent et déchargèrent deux coups de fusils, que le déposant auraient entendu, et par suite été informé par le dit J. Cheval, son neveu, que les dits coups de fusils avaient été déchargés à travers sa porte, et que le plomb s'était logé dans une cloison de la maison; que ce fut en conséquence de ceci que le dit M. Charbonneau se serait joint au dit "parti patriotique," ainsi que le dit J. Cheval, comme ils l'ont subséquemment déclarés au déposant, sous l'influence de la crainte, ou ils étaient tous deux qu'en ne s'y joignant pas leurs vies et leurs propriétés étaient dans une état constant de plus grand danger; que le déposant croit véritablement que sans l'interférence des autorités, tant qu'il entretiendra ses opinions politiques actuelles, ni lui ni sa famille et ses propriétés seront en suretés, mais bien exposés à être assassinés et incendiés; que le déposant croit sincèrement que les nommés J. Beautron, dit major, et Ed. Beautron, dit major sus-nommés, ainsi que le nommé J. Charon, journalier de la dite paroisse de St. Scholastique, étaient au nombre de ceux qui commirent l'attaque sur sa maison, ainsi que ci-dessus mentionnée; que le déposant, d'après des rumeurs dans la paroisse, est en crainte tant pour sa sûreté personnel que celle de sa famille, de la part des dits Joseph Beautron, dit major, E. Beautron, dit major, et J. Charron, pourquoi le déposant requient que les dits J. Beautron, dit major, E. Beautron, dit major, et J. Charron, soient appréhendés et tenus de donner de bonnes cautions pour leur bonne conduite future envers tout les sujets de sa Majesté et plus particulièrement envers le déposant et sa famille, et ce pendant l'espace d'une année.

(signé) E. Cheval,

Assermenté devant moi, à Montréal, ce 4 Juillet 1837.

(signé) Danl. Arnoldi, J. P.

District de Montreal.

André H. Baron, huissier, de la ville de Montréal, après serment prêté sur les Saints Evangiles, dépose et dit, Qui hier matin, il serait parti de Montréal en compagnie du nommé Joseph Godin, aussi huissier de Montréal, à la requisition du grand connétable, pour aller dans les paroisses de St. Eustache et St. Benoit, distribuer et afficher des proclamations, en date du chateau St. Louis, Quebec, 8 Juillet courant, relativement à des personnes maldisposées qui auraient déchargées des armes à feu la nuit dans les maisons des nommés Eustache Cheval et de son neveu Joseph Cheval, de la paroisse de St. Eustache; que le déposant et Godin se seraient rendus à St. Benoit et chemin faisant à St. Eustache, ou leur auraient dit que s'ils affichaient de ces proclamations à St. Benoit leurs vies seraient en danger; qu'en la dite paroisse de St. Benoit ils se seraient retirés chez un nommé Coursolle, aubergiste, ou le déposant aurait voulu laisser une des dites proclamations, qu'il le dit

Coursolle

Coursolle aurait pris et jettée sur la table, disant qu'il n'en voulait point avoir, et aurait demandé au dit déposant de la part de qui il était venu, et ayant répandu, qu'il venait de la part du procureur du roi, le dit Coursolle dit, "que procureur du roi était un sacré craseur, comme l'était aussi le gouverneur;" que le dit Coursolle serait alors parti en chemine, et aurait couru chez les voisins avertir que le déposant était chez lui avec des proclamations: que le Docteur Masson, de la dite paroisse, le nommé Brazeau, aubergiste et huissier, avec six ou sept personnes, seraient arrivés à l'auberge du dit Coursolle, lorsque le dit Docteur Masson s'adressant au dit J. Godin lui aurait fait défense d'afficher aucunes des dites proclamations dans le village, car, s'il le faisait sa vie était en danger, et qu'il voulait bien mieux pour eux, déposant et Godin, de cacher leurs proclamations par rapport à leurs suretés; que le dit Masson aurait alors dit qu'il pouvait trouver 100*l.* dans la paroisse, qu'il allait lui faire une proclamation, offrant cette somme à celui qui casserait la lête du gouverneur, et que si quelqu'un la lui cassait, lui le dit Masson payerait cette somme, lorsque tous les autres se mirent à crier, Oui! Oui! que le dit Coursolle aurait alors dit qu'il tuerait le gouverneur comme il tuerait un chien, et ce, en sacrant et jurant; que le déposant aurait alors dit à Coursolle qu'il parlait bien, que s'il venait 50 hommes de troupe il se sauveraient tous, et lui, Coursolle le premier; que le dit Coursolle dit alors au déposant que si l'on envoyait 2,000 hommes des troupe pas un seul ni s'en retournerait, qu'ils se cacheraient dans les bois et les moucheraient, à quoi le Docteur Masson ajouta, ils peuvent en envoyer 5,000, et pas un seul ni s'en retournera. Le déposant leur dit alors, où est votre ammunition, à quoi ils répondirent que tout cela était chez M. Scott, à St. Eustache, les fusils, les balles, et le poudre; que dans ce moment un courier arriva à cheval au grand gallop avertir qu'il y avait cinq caliches de la ville, qui étaient arrivés à la côté St. Joseph, et que des connétables étaient venus faire des prisonniers; qu'ils se dirent tous ensemble, armons nous! et partirent aussitôt pour aller chercher leurs chevaux, pour son aller chasser les connétables; que le déposant aurait entendu une de ces personnes dire, en sa présence, que s'il rejoignait le grand connétable, il ne lui ferait pas de mal, mais le mettrait tout nud dans la montagne, et le ferait manger par les marionnns; que le déposant et Godin, par rapport aux menaces qu'en leur avaient faites, n'ont pas afficher aucunes des dites proclamations, car ils considéraient leurs vies exposées s'ils l'avaient faite; que ne considérant pas leurs vies en suretés dans cette endroit, ils en seraient partis aussitôt, et se seraient rendus à la Rivière du Chêne ou St. Eustache, à le long du chemin auraient laissés quantité des dites proclamations chez les habitants; que rendu à St. Eustache, le dit Godin aurait affiché une des dites proclamations à la porte de l'église, et ils en auraient laissées plusieurs dans le village; que dans le village il aurait appris qu'une troupe de personnes à cheval de St. Benoit s'était rendue à la traverse ou était passée le grand connétable avec un prisonnier, mais deux heures après qu'il était traversé; que deux hommes, d'extraction Anglaise, seraient venus à leur poursuite, à cheval, leur dire de se trater, qu'un grand nombre de personnes était allé à la poursuite des connétables, et que s'ils les rejoignaient leurs vies étaient en danger; qu'eux mêmes étaient dans le plus grand alarme, et dirent au déposant qu'ils craignaient fort, qu'ils ne savaient pas comment ils passeraient la nuit, et qu'ils craignaient qu'on incendiat leurs maisons, et attentat à leurs vies; que chez une nommé Englis, aubergiste, entre St. Benoit et St. Eustache, Madame Englis, dit qui, dans la crainte où elle était, elle allait envoyer ses deux filles coucher au village, de peur que leur maison ne faut attaquer cette nuit, et que des personnes d'extraction Anglaise devaient se ressembler ce soir-là afin de se garder.

(signé) *A. H. Barron,*

Assermenté devant moi, à Montréal, ce 14 Juillet 1837.

(signé) *John Molson, J. P.*

Joseph Godin, huissier, de Montréal, après serment prêté sur les Saints Evangiles, depose et dit, Qu'il était hier avec le nommé Andre H. Barron, lorsqu'il est allé à St. Benoit pour afficher et distribuer des proclamations; qu'il a entendu la lecture de la deposition du dit Barron, ci-annexée; que les faits y mentionnés sont la vérité, étant tout à la connaissance du déposant, et ne dit rien de plus.

(signé) *Jos. Godin,*

Assermenté devant moi, à Montréal, ce 14 Juillet 1837.

(signé) *John Molson, J. P.*

Montreal.

Eusèbe Senté, charetier, de Montréal, après serment duement prêté sur les Saints Evangiles, depose et dit. Que hier matin, vers les deux heures, il partit de Montreal pour conduire les nommés Godin et Barron à St. Benoit, où ils allaient distribuer des proclamations du gouverneur, et aussi pout en afficher; que, rendu à St. Benoit, ils arrêtaient chez le nommé Coursolle, aubergiste dans le village; que les dits Godin et Barron voulurent lui donner une des dites proclamations, qu'il ne voulait point recevoir; que peu de temps après, sept ou huit personnes vinrent chez Coursolle, parmi lesquelles se trouvaient le Docteur Masson et son frerè, qui defendirent à Barron et Godin d'afficher leurs proclamations dans le village, car s'ils le faisaient leurs vies seraient au bût; que l'un des dits Masson dit qu'il allait faire une proclamation offrant 100*l.* à celui qui tuerait le gouverneur; que pendant ce temps un jeune homme arriva au village à cheval, de la côté St. Joseph, disant qu'il y avait là six bailliffs qui étaient venus faire des prisonniers; qu'aussitôt ils partirent tous pour aller chercher

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chercher leurs chevaux par aller à la dite côte St. Joseph, chasser les dits bailiffs ; que le nommé Brazeau aurait dit en partant, qu'il allait cosser la guêpe au grand connétable, Mr. Delisle ; que les dits Baron et Godin, en conséquence de ces menaces, n'auraient pas osé afficher aucune des dites proclamations ; que le déposant croit véritablement que s'ils eussent affiché les dites proclamations les personnes susmentionnées les auraient battus et peut-être attenté à leurs vies ; que le déposant n'a pas tout entendu ce qui s'est dit obligé de soigner son cheval.

(signé) ^{se}
Eusebe + Sené,
marque.

Assermenté devant moi à Montréal, ce 14 Juillet 1837.

(signé) *Austin Cuvillier, J. P.*

Montréal.

Amable Loisel, huissier de la Cité de Montréal, après serment prêté sur les Saints Evangiles, dépose et dit, Que hier matin vers les deux heures il serait parti de Montréal en compagnie du grand connétable Mr. Benjamin Delisle, pour aller à St. Benoit, apprehender quatre individus nommés François Labelle, Louis Bourgignon, Luc Lefevre et Jacques Massie, de la dite paroisse, accusés de conspiration, et se seraient rendus là entre neuf et dix heures du matin, qu'ils seraient d'abord allés chez le dit Jacques Massie, où ils furent informés qu'il le dit Jacques Massie était allé à St. Eustache, de là ils furent chez le dit Louis Bourgignon, où on les informa qu'il était allé faire ferrer une paire de roues à la petite rivière de St. Eustache, de là ils s'informèrent de la résidence du dit Luc Lefevre, mais personne ne voulut leur dire où c'était, qu'ensuite ils seraient allés chez le dit François Labelle, qu'ils trouverent chez lui, et le firent prisonnier ; qu'après avoir été fait prisonnier, il aurait dit qu'il ne donnerait pas de cautions à moins que ce ne fut dans sa propre maison ; le grand connétable lui dit alors, qu'il n'y avait pas de magistrat présent, mais qu'il le conduirait chez le magistrat où il lui plairait d'aller, ce à quoi le dit Labelle se serait refusé ; que la femme du dit Labelle leur aurait alors dit, qu'ils les connétables ne l'emmèneraient point, que les gens de la paroisse s'y opposeraient ; que le dit Labelle à-peu-près dans ce temps auraient pris la fuite, mais aurait bientôt été rejoint que dans ce moment ils s'étaient rassemblés une dizaine d'hommes qui allaient et couraient de maison et maison pour obtenir des forces, afin de repousser les connétables, dont il était du nombre, comme le suppose le déposant, d'après leur manière d'agir ; que la femme du dit Labelle se serait adressée en criant aux personnes, qui continuaient à s'assembler, et leur dit, " Vous autres qui disiez que vous ne souffriez pas qu'on vous prit, allez vous laisser emmener mon mari ? " Qu'ils seraient alors parti avec leur prisonnier Labelle, et rendu à environ dix arpents de la maison, ils virent plusieurs hommes, qui venaient à travers les champs, armés de perches et de batons à leur poursuite ; que leur chemin était à chaque instant intercepté par des personnes qui leur barraient le chemin, et ne leur donnaient que lorsqu'on leur présentaient des pistolets, après quoi ils criaient au dit Labelle, " Ne sois pas inquiet ! ne sois pas inquiet ! " Que le déposant ainsi que ceux qui accompagnaient le grand connétable, auraient, pour le soustraire aux dangers dont ils étaient menacés, halés leurs chevaux et se seraient rendu en haut du village de la rivière du Chêne, où ils s'embarquerent tous en barc, avec tout l'empressement possible, pour traverser ; qu'après avoir fait environ un arpent sur l'eau, un grand nombre de personnes à cheval seraient arrivés à la traverse (en leur criant d'arrêter) à toute bride au nombre d'environ une vingtaine, où plus qu'heureusement pour le déposant et ceux qui l'accompagnaient, il ne se trouvait pas d'autre barc du côté de la rivière où étaient ces gens, car le déposant croit sincèrement d'après leurs gestes et dispositions violentes, que non seulement ils leurs auraient ôtés leur prisonnier, mais aussi qu'on les auraient maltraités et peut-être attentés à leurs vies.

Que le déposant d'après tout ce qui s'est passé en cette occasion, croit véritablement que le même nombre de personnes qu'ils étaient alors, savoir, six en comptant les charretiers, seraient incapables d'arrêter les autres accusés qui ne sont pas encore appréhendés ; que le déposant ne croit pas non plus qu'on puisse le faire, quand même vingt ou trente connétables y seraient envoyés ; et que si toutefois un tel nombre y étaient envoyé leurs vies seraient exposées au plus grand des dangers ; que chemin faisant le déposant aurait demandé au dit Labelle pourquoi ils en agissaient ainsi ; à qui il fit réponse, que Mr. Papineau leur avait dit de faire des menaces et des cruautés à ceux qui n'étaient pas patriots jusqu'à ce qu'ils vinrent joindre les rangs patriotiques ; que le déposant s'était pareillement informé pourquoi on avait jetté la grange du curé Paquin de St. Eustache par terre ; il dit pour réponse que Mr. Papineau leur avait dit que les curés étaient trop riches et n'avaient pas besoin de terres et avaient trop de dîmes.

(signed) *Amable Loisel.*

Assermenté devant moi à Montréal ce 14 Juillet 1837.

(signed) *P. E. Leclerc, J. P.*

Montréal.

Joseph Aymond, commercant, et François Poitra, huissier, tous deux de Montréal, après serment dument prêté sur les Saints Evangiles, déposent et disent, Qu'ils auraient hier matin le 13 du courant, accompagnés le grand connétable à St. Benoit, pour arrêter les nommés François

François Labelle, Louis Bourignon, Luc Lefevre, et Jacques Massie, accusés de conspiration, qu'ils se seraient rendus là entre les neuf et dix heures, et sont d'abord allés chez les dits Bourignon et Massie, qui n'étaient pas chez eux; qu'ils ne purent découvrir la résidence du dit Lefevre; qu'ils seraient allés chez le dit François Labelle; qu'ils auraient appréhendé, l'ayant trouvé chez lui, qui, après être arrêté, aurait essayé de se sauver, mais aurait aussitôt été réjoint par l'un des déposants (Aymond); que pendant qu'ils étaient chez Labelle, des gens couraient de maison en maison pour rassembler les voisins; qu'au moment de partir avec leur prisonnier, la femme du dit Labelle se serait adressée aux gens qui s'étaient rassemblés, en leur disant, "Vous autres qui ne deviez pas vous laisser prendre, pourquoi laissez vous emmener mon mari par ses gens-là?" ou quelques mots à cet effet: qu'au moment où ils partirent, on voyait venir le monde, armés de hâches, perches, et batons de toutes parts, en grand nombre, qui venait vers eux à travers les champs, leur criant d'arrêter, et disant aussi au dit Labelle de ne pas être inquiet, qu'il Labelle n'irait pas loin; que leur chemin fut souvent intercepté par des gens qui venaient à leur rencontre pour les arrêter, ainsi armés, et leur faisant des menaces; que dans une espace d'environ de trois lieues qu'ils avaient à faire avant d'arriver à la rivière, il y avait du monde presque tout le long du chemin, et le grand connétable fut forcé d'exhiber des armes pour les intimider et les empêcher de fondre sur eux pour lui ôter leur prisonnier; que rendu à la traverse au haut du village de St. Eustache, ils s'embarquèrent en barc pour traverser, mais avaient à peine fait un demi arpent qu'une quinzaine d'hommes à cheval arrivèrent à toute bride au bord de l'eau, leur criant d'arrêter; qu'autre ces quinze personnes nombre d'autres venaient à toute bride à cheval dans le chemin, rejoindre ceux qui étaient rendus à la traverse; qu'il n'y avait point de barc de leur côté de la rivière pour les mettre à même de traverser et les rejoindre, car sans cela ils croient, véritablement qu'ils leur auraient ôté leur prisonnier, et les auraient battus et maltraités, au point de mettre leurs vies en danger; que les déposants croient véritablement d'après ce qu'ils ont vu hier, de la manière dont les habitants sont disposés, qu'une force de cent connétables seraient incapables d'arrêter les dits Bourignon, Lefevre et Massie, qui n'ont pas été appréhendés.

(signed) *Joseph + Aymond,
François Poitra.*

Assermenté devant moi à Montreal ce 14 Juillet 1837.

(signed) *Th. Lemay, J. P.*

District de Montréal, Comté du Lac, des Deux Montagnes.

LE huit Juillet, de l'année mil huit cente trente sept, est comparu personnellement par devant moi F. E. Globenski, ecuyer, un des juges de paix de sa Majeste, pour le dit district, *Augustin Rochon*, cultivateur, résidant à la côté du Petit Brulé, en la paroisse de St. Eustache, lequel, après serment prêté sur les Saints Evangiles, dépose et dit, Que la nuit dernière vers onze heures du soir une troupe de gens déguisé au nombre d'environ vingt cinq ou trente, ont parcourir partie de la dite côte du Petit Brulé, criant et vociférant, et qu'ils auraient jetté un bois dans sa porte; que ce matin il a appris qu'une grange en construction appartenant à Messire Paquin, curé, aurait été démolie et le comble abattu; qu'on l'a prévenu qu'on voulait faire sauter sa maison par la poudre, attendu qu'elle ne pouvait être détruite autrement étant batie en pierre, et qu'on allait faucher son grain; que d'après ce qui se passe journellement, il craint que ces menaces soient mises à exécution, et requiert protection des autorités competentes. Et ne sachant signer, à fait sa marque.

sa
Augustin + Rochon,
marque.

Assermenté par devant moi les jours et au susdits,
(signé) *F. E. Globenski, J. P.*

District de Montréal, Comté du Lac, des Deux Montagnes.

SAMEDI le huit Juillet, de l'année mil huit cent trente sept, est comparu personnellement par devant moi F. E. Globenski, ecuyer, un des juges de paix de sa Majesté pour le dit district, *Michel Rochon*, tanneur, résidant au sud du Petit Brulé, en la paroisse St. Benoit, lequel après serment prêté sur les Saints Evangiles, dépose et dit, Que hier sept Juillet courant il aurait en affaire en la demeure, des nommés Joseph et Edouard Beautron, dit major, commerçants, à la Belle Rivière, paroisse de Ste. Scholastique, qu'il aurait trouvé l'un d'eux à son magasin, savoir, Edouard et les nommés Hawley, Firmin, Carron, et autres; que le dit Edouard Beautron lui aurait demandé s'il était patriote; sur la réponse affirmative, il lui aurait dit que cela était bon; qu'il allait lui montrer ses habits de nuits; qu'il lui presenta un bonnet rouge, garnis en papier, et lui aurait dit qu'il se servait de ce bonnet, et se charbonnait pour se promener la nuit; qu'il s'était rencontré avec les gens de son parti la nuit du six ou sept du présent, qu'ils étaient environ cent personnes; qu'avec eux il avait parcouru le village de Ste. Scholastique et ses environs; que les nommés Noël Duchesneau, marchand, et Alexandre Fournier, son cousin, et les nommés Fougats et autres, dont il a oublié les noms, étaient dans le bande, et qu'il était tellement défiguré que les gens de son parti ne pouvaient pas le reconnaître, qu'il avait tant crié, qu'il avait peine à parler, et qui la nuit suivante ils allaient jouer; qu'en effet dans la nuit en question une troupe

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troupe de gens ont passé auprès de sa maison; qu'ils étaient travestis de différentes manières, et criaient "Rochon, tu dors tranquillement avec ta femme; si tu étais chouayain on ne te laisserais pas si tranquille;" et à son réveil il a appris qu'on avait défait et abattu le comble d'une grange en construction appartenant à Messire Paquin, prêtre; que le nommé François Danis lui aurait dit qu'il ne se faisait pas connaître pour patriote il allait passer un coup de grêle chez lui d'une douzaine de décharges de fusils. Marguerite Roy, son épouse, était présente à ce propos, et ne sachant signer, a fait sa marque.

Assermenté devant moi à Ste. Eustache les jour et au susdits,
 (signé) *F. E. Globenski, J. P.* sa
Michel + Rochon,
 marque.

District de Montréal.

AUJOURD'HUI le quatorze Juillet, de l'année mil huit cent trent sept, est comparu personnellement par devant moi, F. E. Globenski, ecuyer, un des juges à paix de sa Majesté pour le dit district, Joseph Beauchamp Charpentier, résidant dans la paroisse St. Eustache, dans le comté du Lac des Deux Montagnes, district susdit, lequel, après serment prêté sur les Saints Evangiles, dépose et dit que Vendredi, le sept du courant, il était occupé avec d'autres personnes à travailler à une grande en charpente dans une prairie appartenante à Messire Paquin, prêtre et curé de Sainte Eustache; qu'elle était alors levée, le comble posé, et à demi entourée; que vers quatre heures et demie de l'après midi du dit jour, deux individus à lui inconnus seraient venus les voir travailler et leur auraient dit qu'on se proposait de laisser achever la grange en question, et d'attendre que la récolte soit dedans pur y mettre le feu; qu'un nommé Sabourin occupé à leur aider, aurait tenue le même langage; que Samedi le huit, il s'en retournait avec son frère Jacques pour continuer à travailler à la dite grange; qu'ils rencontrèrent un pauvre qui leur dit qu'elle avait été abattu, qu'il avait couché près de cette place, et qu'il y avait en un train terrible toute la nuit; qu'arrive sur les lieux ils trouvèrent l'entourage de la grange défait, plusieurs planches cassées et le comble abattu et brisé, et ne dit rien de plus.

(signed) *Joseph + Beauchamp.*
 sa
 marque.

Assermenté devant moi les jours et au susdits.
 (signed) *F. E. Globenski, J. P.*

District of Montreal.

ON the 15th day of July, in the year of our Lord 1837, personally appeared before me, one of his Majesty's Justices of the Peace for the said district, John Oswald, of the parish of St. Eustache, in the county of the Two Mountains, in the district of Montreal, yeoman, being duly sworn, deposeth and saith, that on the 7th inst., being Friday, at about 11 o'clock at night, he deponent being then watching his property, being kept in continual fear of its being damaged, through reports and menaces, heard loud screaming towards Belle Rivière, occasioned by a mob, and that screaming was used by the said mob at every Old Country man's house and Canadian loyalist's, hurraing for Papineau and the patriots; said mob crossed the river and directed their steps towards a barn belonging to Messire Paquin, curate of St. Eustache, which barn was that night demolished, the screaming continuing for some time when at that barn: said deponent further says, that when the said mob passed his premises, he distinguished the voice of one Jean Baptiste Onalette, jun., of Petit Brulé, labourer, and that a dog was then following him said Onalette, which dog belongs to Onalette's father, where he resides.

(signed) *John Oswald.*

Sworn before me at St. Eustache, the year and day aforesaid.
 (signed) *F. E. Globenski, J. P.*

District of Montreal.

ON the 15th day of July, in the year of our Lord 1837, personally appeared before me, one of his Majesty's Justices of the Peace for the said district, William M'Geoch, of the parish of St. Eustache, in the county of Two Mountains, in the district aforesaid, yeoman, being duly sworn, deposeth and saith, that on the 7th of July inst., being Friday, about 11 o'clock at night, being watching his property, which was by reports and menaces threatened to be destroyed that night, he deponent heard loud screamings towards Belle Rivière, occasioned by a mob which crossed the little river in the Petit Brulé, and directed its steps towards a barn belonging to the Rev. Messire Paquin, curate of St. Eustache, which barn was at same time demolished, apparently by same mob, by the cracking of the timber of said barn, which said deponent distinctly heard, it being about six acres from his own premises, and further said deponent saith not.

(signed) *William M'Geoch.*

Sworn before me at St. Eustache, the aforesaid year and day.
 (signed) *F. E. Globenski, J. P.*

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District de Montréal.

No. 36.

Earl of Gosford to
Lord Glenelg,
5 October 1837.

Encl. in No. 36.

Toussaint Cheval, dit St. Jacques, journalier de la paroisse de Ste. Scholastique, dans le district de Montreal, après serment prêté sur les Saints Evangiles, depose et dit, Que le dix de Juillet dernier, entre neuf et dix heures du soir, le déposant étant dans sa maison sous la paix de notre souverain Seigneur le Roi, les nommés Isidore Lauzon, journalier de la même paroisse, Lesidé Dupras, journalier de la même paroisse, François Danis, journalier de la même paroisse, et Moïse Danis, tanneur de la même paroisse, accompagné de plusieurs autres que le déposant n'a pas connu, seraient entré dans sa maison très en colère, que le dit Isidore Lauzon se serait approché du dit déposant, lui aurait porté le point sous le nez deux ou trois fois, lui disant qu'à la fait, tu a été à la Rivière du Chêne faire une deposition contre nous, tu nous a mis la corde au cou tu ne peux plus vivre parmi nous, tu peux faire ton paquet et t'en aller promptement, et que les autres personnes presentes ont fait les mêmes menaces, et que le dit Isidore Lauzon aurait aussi porté le point au visage de l'épouse du déposant, en lui disant, C'est toi qui a dit que tu avais vu Arsene Beauséjour couper le crin de la queue du cheval, du nommé Robert, que le nommé Lesidé Dupras, ci-devant nommé, a reproché au déposant qu'il avait été à la Rivière du Chêne, signer pour avoir des troupes, et que le dit Lesidé Dupras lui aurait répondu qu'il ne s'occupait pas des troupes; que ce déposant d'après les menaces à lui fait, et ayant appris qu'il y avait des de nouveau patriotes rendu chez le nommé Joseph Beurtron, dit major, il aurait laissé la paroisse et s'en allait resider dans le Haut Canada, où il aurait demeure absent cinq jours, qu'il serait revenu à St. André, et ayant été informé que son épouse était en recherche de lui, craignant qu'il aurait été tué, il se serait rendu à une place appelée les Eboulis; que de là il aurait envoyé un de ses enfants chez lui pour donner de ses nouvelles; que son fils de retour l'aurait informé qu'il y avait encore du danger pour lui s'il retournerait alors; qu'en consequence lui le déposant serait retourné dans le Haut Canada, où il aurait residé six jours, et serait revenu chez lui le septième, pendant laquelle il se serait tenu caché un jour et une nuit; et le déposant ne dit rien de plus.

Affirmé à Montréal ce cinquième jour de Septembre 1837.

(signed) *J. McDonald, J. P.*

(Certified)

(signed) *C. R. Ogden, Att.-Gen.*

District de Montréal.

Ester Leclerc, épouse de Toussaint Cheval, dit St. Jacques, de la paroisse de Ste. Scholastique, après serment prêté sur les Saints Evangiles, depose et dit, Que le dix de Juillet dernier entre neuf et dix heures du soir, les nommés Isidore Lauzon de la même paroisse, Lesité Dupras du même lieu, Moïse Danis du même lieu, et un nommé Bersalon, son entrés chez la déposante, accompagné de plusieurs autres qu'elle n'a pas reconnu; les quatres personnes susdites paraissant bien en colère; que le dit Isidore Lauzon aurai, demandé à la déposante où était son époux, le traitant de sacré crapeau que je le déchire; c'est lui qui en est la cause que nous aurons la corde dans le cou; la déposante leur aurait demandée de laisser expliquer son epoux, et que Lauzon aurait répondu qu'il ne le permettrait pas; que le dit Lauzon aurent dit, que lui le dit Toussaint Cheval, dit St. Jacques, ne pourrait plus vivre avec eux dans la paroisse, qu'il fit son paquet et lui allouait deux heures pour s'en aller, car il n'avait que deux jours à vivre s'il restait parmi eux, et qu'en consequence le mari de la dite déposante s'est absenté de la paroisse pendant quinze jours, et lors de son retour s'est tenu caché dans sa maison pendant un jour et une nuit; et la déposante ne dit rien de plus.

Affirmé à Montréal, ce 6 Jour de Septembre 1837.

(signed) *J. McDonald, J. P.*

(Certified.)

(signed) *C. R. Ogden, Att.-Gen.*

District de Montréal.

Emelie St. Jacques, de la paroisse de Ste. Scholastique, après serment prêté sur les Saintes Evangiles, depose et dit, Que le dix de Juillet dernier, entre neuf et dix heures du soir, les nommés Isidore Lauzon du même lieu, Lesité Dupras du même lieu, Moïse Danis du même lieu, sont entrés chez la déposante accompagné de plusieurs autres qu'elle n'a pas reconnu; que le nommé Isidore Lauzon, ci haut nommé, s'adressant au père de la déposante, Toussaint Cheval, dit St. Jacques, lui dit; "Dépêche toi de faire ton paquet, car tu n'a pas deux jours de vie;" et qu'en consequence de ces menaces le père de la déposante s'est absenté de chez lui pendant quinze jours, et à son retour s'est tenu caché pendant un jour et une nuit; la déposante ne dit rien plus.

Affirmé à Montréal, ce 6 Jour de Septembre 1837.

(signed) *John McDonald, J. P.*

(Certified.)

(signed) *C. R. Ogden, Att.-Gen.*

No. 36.

Earl of Gosford to
Lord Glenelg,
5 October 1837.

Enclo. in No. 36.

District of Montreal.

Duncan M'Coll, of the Parish of St. Benoit, in the District of Montreal, Labourer, being duly sworn, deposeth, and saith as follows:—

I HAVE resided for about 18 years in the said parish; my father, Duncan M'Coll, my brothers, Alexander, John and Donald, have also resided there during the same period; we have always lived in the greatest peace and harmony with our Canadian neighbours, until the time when a certain political meeting took place at St. Scholastique, a neighbouring parish, about a month ago. Since that meeting, our Canadian neighbours have ceased to have any communication with us, and with one Robert Walker and William Starkie, also residing in the said parish of St. Benoit, and indeed with all the inhabitants of British origin residing in our vicinity, and this because we and they, the said inhabitants of British origin, do not belong to the same political party with them, and those who call themselves patriots. My brother Donald is a blacksmith; he formerly, and up to the time of the above-mentioned meeting, had very good custom from the Canadian farmers; since that meeting he has had only two jobs from two Canadians, and these two, for having employed him, have had the manes and tails of their horses shaved. This is an operation frequently performed by those calling themselves patriots upon the horses of those who do not belong to their party, and which renders the animals useless for six months, and disfigures them for nearly a year and a-half. About three weeks ago, my said brother Donald, having hired a Canadian carter to take him to the village of the Lake of the Two Mountains, the horse of the carter had his mane and tail shaved in the course of that night. My brother John is a grocer, and been hitherto in the habit of selling liquors to be drank out of doors; but this year he has been refused the necessary certificate for a licence, because he did not belong to the above-mentioned party. Since the above-mentioned meeting, the Canadians, or those who call themselves patriots, have withdrawn their custom from him. My father has been in the habit of making potash, and of purchasing ashes for that purpose from the farmers all round; but since the meeting in question, no person, being a Canadian, has sold him any, or would dare to sell him any, except by stealth. On Monday, the third day of July instant, Louis Bourignon and Luc Lefevre, of the said parish of St. Benoit, yeomen, came to the house of my brother John, where I happened to be, and having called me out, the said Louis Bourignon, speaking first to me, said that I had better go over to their party, or that something bad would happen to me, "*qu'il né arriveroit malheur*," for that the people of the lower part of the concession, that is to say of the concession of St. Joseph, in the said parish of St. Benoit, in which we live, would arm and attack all those who did not belong to the patriotic party. Having declared that I would not go over to them, Luc Lefevre added, that I had better join them if I wished to preserve my property, meaning the property of my father, upon which I live with him. I have reason to know, and do verily believe, that a similar threat has been made to my brother Alexander by one François Labelle, of the said parish of St. Benoit, labourer, about the same time; that the said Robert Walker, and the said William Starkie, have been recently threatened in a similar manner, the former by Jacques Massie of St. Benoit, yeoman, and the latter by the said Louis Bourignon and the said Luc Lefevre. For some time past, our Canadian neighbours have even ceased to speak with us when they meet with us. No Canadians are allowed to remain in our service under the penalty of personal illtreatment. There is a Canadian man who works for my father, and who sleeps at the house of a single woman, whose only support is derived from an orchard. I have been informed, and do verily believe, that spies are set over us to prevent any intercourse between our Canadian neighbours and us. I have no hesitation in deposing that I verily believe that the said Louis Bourignon, the said Luc Lefevre, the said François Labelle, and the said Jacques Massie, have conspired together, and with divers others of the said concession or côte St. Joseph, to drive my father and brothers, the said Robert Walker, William Starkie, and all the other English inhabitants, amounting to about 30 individuals, counting women and children, out of the said parish of St. Benoit, and in default of our leaving our houses, to injure either our persons or our property; and I do therefore demand for myself, for the persons herein above-named, and all other the English inhabitants of the said concession or côte St. Joseph, justice and protection.

(signed) *Duncan M'Coll*.

Sworn before me, at Montreal, this 11th July 1837,

(signed) *Turton Penn, J. P.*

Certified.

(signed) *C. R. Ogden, Attorney-General*.

District of Montreal.

Duncan M'Coll, of the parish of St. Benoit, in the said district, labourer, being duly sworn, deposeth and saith, That on Monday last, Louis Bourignon and Louis Lefevre, of the same place, yeomen, told this deponent, that unless he would join their party, to wit,
a certain

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a certain party, calling themselves patriots, they would do him some harm, *qu'il arriveroit malheur.*" And this deponent further saith, that as he doth not intend to join the said party, he verily believes that they, and each of them, will do him some personal injury, unless compelled to give security for good behaviour and the preservation of the peace in the usual manner.

No. 36.
Earl of Gosford to
Lord Glenelg,
5 October 1837.

(signed) *Duncan M'Coll.*

Enclo. in No. 36.

Sworn before me, this 6th July 1837.

(signed) *W. Robertson, J. P.*

Certified.

(signed) *C. R. Ogden, Attorney-General.*

District of Montreal.

William Starke, of the parish of St. Benoit, in the district of Montreal, labourer, being duly sworn, deposeth and saith, That on Monday last, Louis Bourignon and Luc Lefevre, of the same place, yeomen, told this deponent, that unless he joined their party, to wit, a certain party calling themselves patriots, they would burn his house; and this deponent further saith, that as he doth not intend to join the said party, he really believes they and each of them will carry their threats into execution, unless compelled to give security for their good behaviour and the preservation of the peace in the usual manner.

(signed) *W. Starke.*

Sworn before me, this 6th July 1837.

(signed) *W. Robertson, J. P.*

Certified.

(signed) *C. R. Ogden, Attorney-General.*

District of Montreal.

Robert Walker, of the parish of St. Benoit, in the district of Montreal, yeoman, being duly sworn, deposeth and saith, That he hath been credibly informed, and doth verily believe, that Jacques Massie, of the same place, yeoman, hath threatened to burn his this deponent's property, to get him this deponent out of the place; and this deponent verily believes that the said Jacques Massie intends to carry his aforesaid threat into execution, unless compelled to give security for his good behaviour and the preservation of the peace.

(signed) *Robert Walker.*

Sworn before me, this 6th July 1837.

(signed) *W. Robertson, J. P.*

Certified.

(signed) *C. R. Ogden, Attorney-General.*

District of Montreal.

Alexander M'Coll, of the parish of St. Benoit, in the district of Montreal, yeoman, being duly sworn, deposeth and saith, That François Labelle, of the said parish, labourer, told this deponent on Sunday last, that unless he, this deponent, joined the party to which the said Labelle belonged, which party call themselves the *Patriotes*, some misfortune would happen to him this deponent, and that he would be sorry for it when it would be too late. And this deponent further saith, that from the menace of the said Labelle, and the manner in which it was conveyed, this deponent fears that he the said Labelle will do him this deponent some injury, either to his person or his property, or to both, unless compelled to give security in the usual manner for his good behaviour and the preservation of the peace.

(signed) *Alexander M'Coll.*

Sworn before me, this 6th July 1837.

(signed) *W. Robertson, J. P.*

District de Montréal.

Alexis Pinet, de la paroisse de Varennes, district de Montréal, ecuyer, l'un des juges de paix de Sa Majesté dans et pour le dit district, ayant été dûment assermenté, depose et dit comme suit :

Samedi, le 24 de Juin dernier, j'ai reçu, en ma qualité de juge de paix, la proclamation de son Excellence le très Hon. Archibald Lord Gosford, gouverneur en chef, en date au Château St. Louis, dans le cité de Quebec, le 15 jour du Juin dernier. J'ai crû qu'il étoit

No. 36.
 Earl of Gosford to
 Lord Glenelg,
 5 October 1837.
 —
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de mon devoir de donner à cette proclamation autant de publicité que possible, et à cet effet, je l'ai affichée sur la porte de l'église de la dite paroisse de Varennes, Dimanche, le 25 du dit mois de Juin, vers les cinq heures du matin. Le même jour de Dimanche, à l'issue de service divin du matin, Eugene Napoleon Duchesnois, de la dite paroisse, médecin, s'est adressé au peuple sortant de l'église, et leur indiquant la dite proclamation ainsi affichée; il leur a dit que cette proclamation n'avait été ainsi affiché que pour les intimider, que l'on ne devoit y avoir aucunement égard, qu'elle ne vouloit rien dire, que partout en elle avoit paru, elle avoit été mepriser et foulée aux pieds, et qu'elle devoit l'être également à Varennes, qu'il tenoit à la main une proclamation semblable dans une gazette, et que pour marquer le mépris qu'il en faisoit, il alloit la jeter aux vents, le quel fit en effet.

Après avoir repoussé les attaques du dit Docteur Duchesnois contre la dite proclamation, je me suis retiré avec un grand nombre des spectateurs, et à leur réquisition.

(signed) A. Pinet.

Assermenté devant moi, le 11 Juillet 1837.

(signed) Turton Penn, J. P.

Certified.

(signed) C. R. Ogden, Attorney-General.

District de Montreal.

Charles Lozeau, de la paroisse de Varennes, district de Montreal, forgeron, après serment prêté sur les Saints Evangiles, dépose et dit comme suit :-

Dimanche, le 25 du mois de Juin dernier, à l'entrée du service divin du matin que s'est fait ce jour la dans l'église de la dite paroisse, j'ai vu affichée sur la porte de la dite église la Proclamation de son Excellence le très hon. Lord Gosford, Gouverneur en Chef, en date du Chateau St. Louis, dans la cité de Québec, le 15 jour de Juin dernier. J'ai lu la dite Proclamation ainsi affichée. Au sortir du dit service divin du matin, j'ai vu la dite Proclamation à la même place. Comme le monde sortoit de l'église, Eugene Napoleon Duchesnois, de la dite paroisse, médecin, est monté sur un banc en face du la dite église, auquel les crieurs publics font ordinairement leur publications, et s'adressent au peuple et leur dit, en leur montrant la proclamation ainsi affichée, qu'elle n'avait été affichée que pour les intimider, que partout en elle avoit été mise elle avoit été déchirée et foulés aux pieds, qu'il en avoit une semblable à la main dans une gazette, qu'il alloit la traiter comme elle meritoit, et en disant ces mots et l'a jetté aux vents. Monsieur Pinet, l'un des juges de paix de Varennes sus dit, après avoir expliqué à ce que venoit de dire le dit Docteur Duchesnois, se retira avec un grand nombre des spectateurs. Après son départ, le dit Docteur Duchesnois s'approcha de la Proclamation ainsi affiché comme dit est, et dit, "c'est moi que vais la déchirer," et en disant ces mots, il passa sa canne rudement sur la dite Proclamation ainsi affichée, et ensuite de sa main, il a enleva les morceaux, ajoutant, que si l'on mettoit encore d'autres proclamations il servit prêt à les déchirer de même.

(signed) Charles Lozeau.

Assermenté devant moi, ce 11th Juillet 1837.

(signed) Turton Penn, J. P.

Certified.

(signed) C. R. Ogden, Attorney-General.

— No. 37. —

No. 37.
 Lord Glenelg to
 the Earl of Gosford,
 18 Nov. 1837.

COPY of a DESPATCH from Lord Glenelg to the Earl of Gosford.

(No. 278.)

My Lord,

Downing-street, 18 November 1837.

I HAVE had the honour to receive your despatch of the 5th October, No. 104, containing a report from the Attorney-general of Lower Canada of the grounds on which he had thought it necessary to file *ex-officio* informations against Dr. Duchesnois, and certain inhabitants of the county of Two Mountains, after the bills of indictment against them had been ignored by the grand jury of Montreal.

The circumstances detailed by Mr. Ogden were such as to justify the use of every constitutional means for the vindication of the law, and the maintenance of public tranquillity. The expediency, however, of the course adopted in this instance, depends so much on temporary and local circumstances, that I am unable to

to offer an opinion respecting it. The Attorney-General's report affords me no means of estimating the probability of his success. I cannot doubt, however, that, before deciding on the line to be pursued, he had well weighed this consideration, and that he had not failed to advert to the injurious effects of a second defeat in the prosecution of the individuals in question. I shall be most anxious to learn the result of these trials, since I cannot but feel that it will probably have much influence on public opinion. I trust it may be such as to vindicate the authority of the law.

I have, &c.

(signed) *Glenelg.*

No. 37.
Lord Glenelg to
the Earl of Gosford,
18 Nov. 1837.

— No. 38. —

EXTRACT of a DESPATCH from the Earl of Gosford to Lord Glenelg,
dated Castle, St. Lewis, 10 October 1837.

No. 38.
Earl of Gosford to
Lord Glenelg,
10 October 1837

I AM now busily employed in arranging the composition of the two Councils, which meets with much delay and difficulty, principally from my not being able to procure answers from those I have written to, on the subject of their appointments. I expect in a few days to have this finally settled, and I shall then be able to give you a more correct account of the names of those who will compose the two councils, than I can do at this moment; I shall also take an early opportunity of sending you a detailed account of the state of the country, which, as it regards the district of Montreal, will be rather gloomy, M. Papineau and his party carrying on a system of agitation and excitement in every way they can; and, in some instances, I apprehend, they have, by threats and menaces, caused alarm in the minds of some of the well-disposed, which paralyzes those efforts and exertions which they would otherwise willingly afford to the civil authority in maintaining peace and order. Every precaution is taken, and I trust I may be able to procure some information, on oath, by which I should be authorized to lay hold of some of the leaders connected with what is going on; if I could accomplish this, I should look forward with more certainty than I can at this moment, to the speedy re-establishment of order and tranquillity. All these proceedings I may say are confined to Montreal district; here we are quite quiet and tranquil; some mischievous persons amongst us, but those of another character so greatly predominate, that there is no ground for apprehending any disturbance here.

— No. 39. —

EXTRACTS of a DESPATCH from the Earl of Gosford to Lord Glenelg,
dated Castle, St. Lewis, Quebec, 12 October 1837.

No. 39.
Earl of Gosford to
Lord Glenelg,
12 October 1837.

THE system of agitation, and the attempts to create disaffection, and to ripen it into revolution, of which I have spoken in previous despatches, are, I regret to say, still unremittingly, and with more boldness than ever, carried on by M. Papineau and the party that act with him, comprising the greater number of the members of the Assembly returned for the district of Montreal. In several of the counties of that district, they have succeeded, if rumour and their newspaper organs are to be credited, beyond what I had anticipated, although I have reason to believe that in the parts which may be said to be most disaffected, the majority of the rural population is as yet but little inclined to join in the views and schemes of the agitators, who, however, by misrepresentation, and by the instrumentality of fear and intimidation, have so far worked upon their minds as to produce a degree of inertness in opposing the progress of the movement, and in aiding the administration of justice and the course of social order, that cannot fail to afford grounds for serious consideration. The mode of proceeding adopted for keeping up and increasing this feeling is by parading nightly, in the town of Montreal, large and organized bands of men, who, however, have as yet proceeded to no acts

No. 39.
 Earl of Gosford to
 Lord Glenelg,
 12 October 1837.

acts of violence or breaches of the peace, by inflammatory speeches at meetings; by seditious publications and resolutions of the central committees; by placing (in the most disturbed of the rural parishes) those who are loyal and hold opposite political opinions under a species of excommunication, and keeping them in dread of nocturnal injuries to their property; by burning in effigy those in higher stations, and by subjecting them to a kind of annoyance called a *charireari*, which is the assembling of a crowd before their doors, for the purpose of alarming them and their families at night with uncouth noises, hisses, threats, and other manifestations of popular displeasure. Sir John Colborne, the Hon. Mr. Debartzch, and others, have been exposed to this kind of outrage, which, in a recent instance, at St. Denis, in the county of Richelieu, was unhappily attended with loss of life and property; a lady, Madame St. Jacques, having, as it is reported, fired, or given directions to fire, upon the mob, when, not content with the proceedings usual on such occasions, they had actually broken into her house; two persons were thereby wounded, of whom one has since died. The house was immediately demolished, but not before the inmates had escaped; Madame St. Jacques was, however, shortly afterwards apprehended and committed by a magistrate to the Montreal gaol, where I believe she yet remains.

Some of the immediate fruits of the system now in operation, which, if not put down, must lead to the worst consequences, are to be seen in the apathy and inaction of such of the magistracy and persons of property who had not joined the revolutionary party; in the extreme difficulty of obtaining accurate and available information of what is passing; and, judging from recent events, in the little probability, even if evidence of sufficient weight could be procured to arraign the offenders, of a jury, taken from the district of Montreal, finding bills and convicting on them. In corroboration of this statement, I may refer your Lordship to an official report of the Attorney-general, which I forwarded by a ship that sailed yesterday, with my despatch of the 5th instant (No. 104), and also to the enclosed documents. The first is a letter from Sir John Colborne, in reply to one I wrote to him, in consequence of a communication made to me, at his desire, by the deputy adjutant-general, relating partly to passing events and partly to the orders he has issued respecting the distribution which, at this juncture, he wished effected in the troops, and which appeared to me judicious. The second is The Vindicator newspaper of the 6th instant, containing an address from "The Sons of Liberty" (as the signers, 44 in number, style themselves) asserting, amongst other things, that the present degraded position of the country being the result of three quarters of a century of warm devotion to British connexion, and of mistaken reliance upon British honour, it would be slavish and criminal to confine their resistance hereafter to simple remonstrances, &c.; and containing likewise a set of resolutions, stated to have been passed on the 1st instant, at a sitting of the permanent committee of the county of Two Mountains, having for their object the superseding the ordinary administration of justice, by the establishment of a species of tribunal over which magistrates elected by the people are to preside, for the adjustment of differences and the trial of causes, and the organization of volunteer companies of militia, under the command of officers elected by militia men, who are to be drilled in the management of fire-arms, which, with the other accoutrements, the permanent committee pledges itself to provide for those corps that distinguish themselves by their good order and discipline. To this force, it is further resolved that the militia officers who have lately been dismissed for disobedience of orders, and for having taken an active part at the various seditious meetings, are to be re-elected.

No. 3.

The third enclosure is a petition to me from more than 300 inhabitants of the city of Quebec, tendering their services to Her Majesty, and requesting, in consequence of the state of the province, to be allowed to enrol as a volunteer rifle corps, and to be armed and accoutred at the expense of the Government. This petition would, I am given to understand, have been much more numerously signed, but many held back to see the nature of my reply, a copy of which I now forward. Your Lordship is aware that, in December 1835, I refused a similar application from Montreal; and although circumstances are much changed since that period, I still thought it prudent to decline the present proposal, that could not have been accepted without incurring the risk of applications of the same nature from other quarters, which it might have been dangerous to grant but difficult to refuse, had this been entertained, nor without giving rise, both in the province and elsewhere, to inferences that the strength and progress of the agitators are

No. 1.
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are greater than they really are, and that the local Executive was in a state of alarm, inferences which it is one of the great objects of the movement party to create, and to disseminate as widely as possible.

The electors of the five countries bordering on the Richelieu River, viz. Richelieu, Chambly, St. Hyacinthe, Rouville, and Verchères, having been called upon by the Montreal central committee, intend, I understand, to have a meeting on the 23d instant, at which, no doubt, Mr. Papineau and his principal supporters will be present. What are the precise objects of this meeting I have not been able to ascertain; probably to produce an effect here and at home, to recommend resistance to the authorities, a general convention, the organization of the people, and, in fact, to prepare them as much as possible for receiving and forwarding the views of the party, who, it is now evident, aim at nothing short of a revolution, and would, I believe, commence it immediately if they thought themselves sufficiently supported by the mass of the population. Many rumours are in circulation: one, that it is intended at this meeting to issue a declaration of independence; and another, that the plan is to wait till the navigation closes, and the winter sets in, and then to commence active operations, when the military can receive no assistance or supplies from without. I do not myself credit these reports, nor yet apprehend any serious disturbance, although there are, I admit, some persons of experience and information who think otherwise.

It is proper that I should represent to you the inadequacy of the powers at the disposal of the local government for meeting the difficulties that surround it. The law fails to afford its support; the civil authorities become therefore impotent: the Habeas Corpus Act cannot be suspended. The clergy, though well disposed and loyal, are reluctant to come forward; any further appeal to the present Parliament would not only be inexpedient and useless, but positively injurious; and a dissolution offers no prospect of a more reasonable House of Assembly, nor any hope that the new House, which would be composed of a majority of the old members, would recede in any particular from the demands so pertinaciously insisted on by the present body. Indeed a dissolution, if decided on at all, should not at any rate be resorted to before the whole of the measures and arrangements you now have in contemplation respecting this province shall have passed into law and be perfected.

In such circumstances, and seeing that the Imperial Parliament has solemnly and unequivocally stated that it will not accede to the Assembly's demands, I am forced, however reluctantly, to come to the conclusion that the only practical course now open for conducting the affairs of this province with any benefit to the inhabitants generally, is at once formally to suspend the present constitution, which both parties unite in confessing cannot now be worked, and which has in fact for the last 12 months been virtually suspended; to increase the military force, and to strengthen the hands of the Executive, now almost impotent for any good and useful purpose. I do not really see any other plan left for defending the French Canadian from the ruinous consequences that must soon overtake him should Mr. Papineau and his party succeed in their revolutionary schemes; schemes that, without adverting to considerations connected with the adjoining provinces, should be resisted, in justice to that portion of the population who have settled here, relying upon British faith and protection, who are firm in their allegiance, and avowedly hostile to any disruption of the connexion subsisting between the colony and parent state.

In conclusion, I would remind your Lordship that the description I have given of passing events is drawn from materials furnished almost exclusively from the district of Montreal; the four other districts remaining as yet passive, though I believe the agitators have emissaries busy amongst them. In the city of Quebec a central committee has been established, of which Mr. Morin, I perceive, is a member, and which is intended probably to be similar in object and operation to its prototype at Montreal, but its purposes and regulations are not yet made known. I would further remark, that the accounts which reach me, and of course those which reach your Lordship through the ordinary channels of information, are mixed with much exaggeration; but making allowances for this, there still remains enough to call for the prompt and active interposition of the parent Government.

No. 39.
Earl of Gosford to
Lord Glenelg,
[12 October 1837.]

No. 39.
Earl of Gosford to
Lord Glenelg,
12 October 1837.

Enclosure 1, in
No. 39.

Enclosures in No. 39.

(No. 1.)

(Private.)

My dear Lord,

Sorel, 6 October 1837.

I beg to thank your Lordship for your letter of the 5th ultimo. It appears absurd to attach an importance to the influence and tactics of the factious party in this province beyond their actual progress, and the results of their unchecked movements and language, while the great mass of the Canadian peasantry cannot be excited or induced to take an active part with the persons who are now sounding the alarm; but no doubt should be entertained that the system of agitation carrying on by the faction, although chiefly intended to intimidate the Home Government, under present circumstances, and to demonstrate that the country is bordering on a state of revolt, must tend to promote effectually the avowed object of Mr. Papineau.

In my correspondence with Colonel Eden, I have had occasion to refer to the facts and reports that establish the decided character which the agitators have lately assumed. The people have elected the dismissed officers of the militia to command them. At St. Ours a pole has been erected in favour of a dismissed captain, with this inscription on it, "élu par le peuple." At St. Hyacinthe the tri-coloured flag was displayed for several days. Two families have quitted that town in consequence of the annoyance they experienced from the patriots. Wolfred Nelson warned the patriots at a public meeting to be ready to arm. The tri-coloured flag is to be seen at two taverns between St. Denis and St. Charles. Many of the tavern-keepers have discontinued their signs, and substituted for them an eagle. The bank notes or promissory notes issued at Yamaska have also the same emblem marked on them. Mr. Papineau was escorted from Yamaska to St. Denis by a numerous retinue; it is said that two or three hundred carriages accompanied him on his route. He has attended five public meetings lately; and at one of them, La Valtrie, a priest was insulted in his presence. The occurrence at St. Denis was certainly a political affair: a family at St. Antoine, opposed to the proceedings of W. Nelson, having been annoyed by the same mob that destroyed the house of Madame St. Jacques a few hours before the shot was fired from her window.

The game which Mr. Papineau is playing cannot be mistaken; and we must be prepared to expect that if four or five hundred persons are allowed to parade the streets of Montreal at night, singing revolutionary songs, the excited parties will come in collision.

I remain, &c.

His Excellency the Right Hon. the Earl of Gosford,
&c. &c. &c.

(signed) J. Colborne.

(No. 2.)

ADDRESS of "The Sons of Liberty," of *Montreal*, to the Young Men of the
North American Colonies.

Brothers,

WHEN urgent circumstances in the affairs of a country make it necessary for men to form themselves into parties or associations, a proper respect for the opinions of society demands from them an explicit declaration of the causes which have induced them to combine, and of the principles which they intend to advance by the power of their organization.

We consider that, next to the privilege of acting for himself, man possesses, from the very foundation of society, that of uniting his energies with those of his fellow-citizens for all purposes of mutual interest or defence, and that therefore the right of association is as sacred and inalienable as the right of personal liberty. We hold that governments are instituted for the benefit, and can only exist justly by the consent of the governed; and whatever may be the artificial changes in human affairs, that a government of choice is an inherent right of the people. It cannot be alienated, and consequently may always be asserted and exercised. All governments being instituted for the benefit of a whole people, and not for the honour or profit of any individual, all pretensions of Divine or absolute authority to rule, claimed by or for any man or set of men, are blasphemous and absurd, alike monstrous when inculcated, and degrading when admitted. The authority of a parent state over a colony can exist only during the pleasure of the colonists; for the country being established and settled by them, belongs to them of right, and may be separated from all foreign connexion whenever the inconveniences resulting from an executive power residing abroad, ceasing to harmonise with a local legislature, makes such a step necessary to the inhabitants for the protection of life, liberty, or the pursuit of happiness.

The Young Men's Association of Montreal, adopting the title of "The Sons of Liberty," is not intended to be a private cabal or secret junto, but an active democratic body, comprising all young men in the city patriotically alive to the interests of their country, whatever may be their creed, country, or the nation of their ancestors.

The causes which demand, at the present juncture, from all, but more especially from young men coming forward into active life, a heroic devotion to their country's cause, are manifold and imposing.

At the cession of this province in 1763, with a view to consolidate British power on the banks of the St. Lawrence, certain rights of property, religion, and government were
guaranteed

guaranteed to the Canadians, and afterwards more fully confirmed in 1774, when the approaching noble revolt of the American States rendered concessions to the new subjects of the empire extremely politic. The brilliant success of those States, and the overwhelming movement of revolution in France, having made England tremble for the safety of her remaining American possessions, she passed, in 1791, the Act called the "Constitutional Act," which divided Upper from Lower Canada, and established a representative Assembly in each. In 1812, conciliation was again rendered necessary, by the declaration of war with the United States. These times of danger have been the seasons of seeming justice to Canada, while the intervening and succeeding periods furnish but one long history of repeated injuries, atrocities, usurpations, and wrongs. Thus we have seen British rulers, with a cowardice and a perfidy unworthy of the representatives of a powerful nation, continuing to allure the people of Canada, by deceptive promises in times of pressing necessity, and when the emergency had passed, resorting to every unwarrantable expedient to defer or avoid the fulfilment of their solemn engagements.

After seventy seven years of British rule, we behold our country miserable, compared with the prosperous republics who wisely threw off the yoke of monarchy. We feel that our population is equal in capacity to theirs. We see emigrants from beyond seas, of the same class, wretched if they remain here, happy if they join the great democratic family, and we have daily evidence that our ill fortunes are attributable to the desolating action of a colonial government. A pretended protection has withered our energies; it has preserved all that was bad in our ancient institutions, or unfitted to the present state of society, thwarted the free operation of all that was good, and trammelled by restraints every measure of reform or amelioration.

Whilst every township throughout the immense territory of our neighbours is happily governed by its own free democracy, which is thereby trained, from its youth upwards, to political knowledge, self-reliance and energetic action, we are cramped and controlled by a government in which the people have no voice, whose influence tends to the corruption of public virtue, the depression of enterprise, and the annihilation of every generous impulse or exalted aspiration for the advancement of the country's greatness.

Hosts of officers, appointed without consent of the people, to whom they are too frequently obnoxious and never responsible, and holding commissions during the pleasure of an irresponsible executive, are placed in authority over us, with salaries enormously disproportioned both to our means and to their services, whereby office is made a means of family or personal aggrandizement, instead of being suited to the resources and wants of the people.

The trial by jury, which we have been taught to look upon as the palladium of our liberties, is made a vain illusion or instrument of despotism, inasmuch as sheriffs, creatures of the executive, upon which they depend daily for a continuance in an office to which vast emoluments are attached, can select and summon such jurors as they please, and thereby become themselves the arbiters in state prosecutions instituted against the people by their oppressors.

Immense funds, bestowed by a provident government, or by generous individuals, on the late order of the Jesuits, for purposes of education, have been diverted from this commendable object, and made an instrument of corruption for the reward of useless or reprehensible officials, while the children of the province, deprived of the funds provided for their instruction, have grown up without the benefit of school education, to be now taunted with want of learning.

Our public lands, defended during two wars by the bravery of the inhabitants of the country, and rendered valuable by the toil that has opened roads, and extended settlements back to the wilderness, have been sold or bestowed, in contempt of our remonstrances, to a company of speculators living beyond the sea, or partitioned out among official parasites, who have, from motives of interest, combined as a faction to support a corrupt government, inimical to the rights and opposed to the wishes of the people; whilst our fathers, our relations, and our brother colonists are refused or unable to procure wild land on which to settle.

Laws affecting the tenure of lands, inapplicable to the condition of the country, and injurious in their operation, have been forced upon us by a foreign Parliament, which, in order to favour private and sinister interests, has usurped a power of internal legislation that appertains alone to the legislature of this province.

Regulations for the trade of the country, adopted by a foreign Parliament, are enforced without our consent. We are thus confined to certain markets, and are deprived of the power of extending our commerce to all parts of the world when the markets of Britain are unfavourable to our produce, whereby our commercial enterprise is crippled and paralyzed.

The representation of the country has been made a solemn mockery. A corrupt executive has constantly sought to render our House of Assembly an instrument to decide unalterably the slavery of its constituents; and failing in this wicked design, has rendered its action nugatory by frequent prorogations and dissolutions, and by refusing an assent to laws useful to the people, and passed unanimously by their representatives.

A legislative council, the members of which are nominated by authorities ignorant of the country, residing 3,000 miles off, composed mostly of persons who do not sympathize with the country, still exists as an impotent screen between the governor and the governed, and nullifies all attempts at useful legislation. An executive council nominated in the same manner, whose influence has poisoned the mind of each succeeding governor, remains

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unchanged, to protect the cumulation of office and abuses that are connected with every public department. A governor, alike ignorant with his predecessors, and who has become like each of them, an official partisan, conducts the government for the benefit of the few, either unmindful of or determinedly opposed to the prosperity of the many.

Our grievances have been faithfully and repeatedly urged upon the King and Parliament of the United Kingdom, by the resolutions of primary assemblies, by our representatives in parliament assembled, and by the humble petitions of the whole people. We have remonstrated, with all the power of argument and all the moral force of truth. No remedies have been extended; and at last, when the tyranny of those intrusted with power in the province has increased insufferably from continued impunity, advantage is taken, by an ungenerous European State, of a time of general peace, to coerce us into a connivance or approval of our own debasement, by a threat to seize upon our public revenues with a hand of force, in defiance of natural right, and of every principle of law, policy or justice.

The present degraded position of our country, being the result of three-quarters of a century of warm devotion to British connexion, and of mistaken reliance upon British honour, it would be slavish and criminal to confine our resistance hereafter to simple remonstrances. The wicked designs of British authorities have severed all ties of sympathy for an unfeeling mother country. A separation has commenced between parties, which will never be cemented, but which will go on increasing, until one of those sudden, those unforeseen events, that attend the march of time, affords us a fit opportunity for assuming our rank among the independent sovereignties of America. Two splendid opportunities have been lost; let us not be unprepared for the third.

A glorious destiny awaits the young men of these colonies. Our fathers have passed a long life of vexation, in daily struggle against every degree of despotism. As they pass from the world, they leave an inheritance improved by their patriotic sacrifices; to us they commit the noble duty of carrying onward their proud designs, which in our day must disfranchise our beloved country from all human authority except that of the bold democracy residing within its bosom.

With such an invigorating prospect spreading before us, with such a high responsibility resting upon us, it becomes our imperative duty, laying aside the gay frivolities of youth, to betake ourselves to the serious consideration of our country's politics, her wants and her resources; to increase her wealth by encouraging her manufactures and her produce; and to preserve her strength by discontinuing the consumption of articles brought from beyond sea; but, above all, to accustom ourselves to constant sacrifices, and so to curtail our personal expenses, by avoiding excess or superfluity, that we may treasure means for supporting each other in the struggle for life and liberty in which we must sooner or later be engaged, when the day of glory arrives that will see us emerge from a long dark bondage to the splendour of light and freedom.

Wherefore, we the officers and managing committee of the Association of the "Sons of Liberty" in Montreal, in our own names, and on behalf of those whom we represent, pledge ourselves to our abused country and to each other, that we will devote all our energies, and be prepared to act as circumstances may demand, in order to procure for this province a reformed system of government, based upon the elective principle; a responsible executive; the control by the representative branch of the legislature of all public revenues, from whatever source derived; the repeal of all laws and charters passed by foreign authority, encroaching upon the rights of the people and their representatives, especially those relating to the propriety and tenures of land, whether belonging to the public or to individuals; an improved system of selling public lands, whereby those who wish to become actual settlers thereon may be able to do so at a small expense; the abolition of pluralities and irresponsibility of office, and an equality before the law for all classes, without distinction of origin, language or religion; and depending on God, and strong in our right, we hereby invite the young men of these provinces to form associations in their several localities, for the attainment of good, cheap, responsible government, and for the security, defence and extension of our common liberties.

André Ouimet, President.

J. L. Beaudry, } Vice Presidents.
Joseph Martel, }

J. G. Beaudriau, Treasurer.

G. H. E. Therien, Recording Secretary.

G. Boucherville, Corresponding Secretary.

Francis Tullock, Assistant Corresponding Secretary.

J. S. Neysmith.
Toussaint Demers.
Narcisse Lafrenière.
Pierre Grenier.
Louis Dumais.
Joseph Lettore.
L. P. Boivin.
Remi Courselles.
Casimir Arconet.
Amable Simard.
J. B. Label.
Jos. Gaudry.
James Finey.

Louis Lebeau.
Thomas Barbe.
F. Tavernier.
Joseph Dufaut.
Joseph Leduc.
Paul Martin.
P. G. Damour.
Henry Lacaille.
Pierre Larceneur.
N. Berthiaume.
Narcisse Valois.
H. Carron.

H. A. Gauvin.
André Lacroix.
L. C. Perrault.
Chamilly de Lorimier.
Norbert Larochelle.
André Giguère.
Louis Barré.
Simon Crevier.
André Lapierre.
J. B. Brien.
A. B. Papineau.
Rodolphe Desrivieres.

Montreal, October 4, 1837.

AFFAIRS OF LOWER CANADA.

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PROGRESS OF ORGANIZATION.

Permanent Committee of the County of Two Mountains.

Extract of the proceedings of the 8th Sitting.

St. Benoit, 1st October 1837.

No. 39.

Earl of Gosford to
Lord Glenelg,
12 October 1837.Enclosure 2,
in No. 39.

Mr. Pierre Danis, in the chair.

The Minutes having been read, the following Resolutions were discussed and unanimously adopted by the Committee:—

Resolved, 1. That the Governor-in-Chief, by his arbitrary dismissal of a large number of respectable citizens, who fulfilled with integrity and to the satisfaction of the people, the offices of magistrates and officers of militia, solely because they took an active part in the proceedings of public meetings holden by the people, for the just, legal and constitutional vindication of their invaded rights, has placed the inhabitants of the country under the necessity of adopting measures for their protection, and for the preservation of order and peace, especially in the localities entirely deprived of those officers, and where the inhabitants would be obliged, for the purpose of obtaining justice, to go to a great distance, or to apply to officers who owe their appointments to their antipathy to the mass of the inhabitants surrounding them, and who are in open hostility with those said inhabitants.

Resolved, 2. That by the dismissals which have lately taken place in this county, of magistrates Jean Bte. Dumouchel, Jacob Barcelo, Luc H. Masson, Leandre Dumouchel and Emery Féré, esqrs., the parishes of St. Benoit and St. Hermas are without justices of the peace, and the parishes of St. Scholastique and St. Eustache, without any such officer possessing the confidence and respect of the inhabitants; that the appointment recently made in the last named parish, of one John Earl, to the office of justice of the peace, cannot be considered by the inhabitants in any other light than as a new insult offered by the executive to their feelings, the individual in question being notoriously distinguished for his incapacity, hardly understanding their language, and having been the ringleader in the violences and outrages of which the Canadian inhabitants of this country have been the victims at the last general election.

Resolved, 3. That in consequence of the oppressive and hateful measures of the present administration, the iniquitous proceedings of several of the public officers, especially the odious and unconstitutional proceedings adopted by one of the law officers of the Crown, during the last criminal term, against innocent citizens persecuted for their patriotism by the tools of the said administration, especially as the said victims of despotism had been legally discharged by the grand jury from the false and malicious accusations borne against them; and considering the absence of laws, courts and officers, capable of affording protection, this committee believes it to be its duty more than ever, in the present state of disorganization, which does not proceed from the people, but from a corrupt and persecuting government, to recommend union, peace and good understanding between all Reformers; and flatters itself that their patriotism and virtue will cause them to abstain from all that might in the least provoke any recourse to the courts of this district, or particularly to magistrates named out of hate to the people, and in place of high-minded citizens, who were dismissed only because they had fulfilled with courage a sacred duty towards their fellow-citizens, whose entire confidence they possess.

Resolved, 4. That, nevertheless, for the better maintenance of order and good understanding among the Reformers of this county, this committee considers it its duty, under existing circumstances, to make use of the authority invested in it by the people, to recommend and to support and maintain the following measures and dispositions.

I.

1st. The inhabitants of the parishes beforementioned shall meet on Sunday, the 15th day of the present month, at the Bridge of St. Joachim, near the establishment of the Messrs. Major, at two o'clock in the afternoon, and shall then and there elect, by a majority of votes, three or more wise and discreet persons in each of the said parishes, to fill the office of justice of the peace and pacificators (*amiables compositeurs*).

2d. The duty of the justices so elected shall be, to conciliate the differences and difficulties which may hereafter arise between the reformers of their localities, with power to judge and determine all the complaints which will be brought before them.

3d. No person shall be obliged to accept this office for more than one year, nor shall be appointed thereto for any term less than one year.

4th. Vacancies shall be filled up by means of election, for the replacing of justices who will have completed their time, or of those who will be incapacitated from performing the duties of their charge, either by sickness, absence, or any other causes considered sufficient by the permanent committee.

5th. The person who shall have presided at the meeting for the election of justices of the peace, or pacificators (*amiables compositeurs*) shall make an exact report at the next meeting of this committee of the persons elected, and of their acceptance of office.

II.

1st. All demands and complaints between Reformers in this county shall be carried before the nearest justice of the peace or pacificator (*amiable compositeur*), who, after having heard the parties and their witnesses, shall decide according to equity, and in conformity with

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with the dictates of his conscience, without being obliged to observe the forms and proceedings of courts.

2d. The pacificator before whom a cause will be brought, may, if he think proper, adjoin to himself one or two other pacificators, unless the parties insist on abiding by his sole decision.

3rd. One or other of the parties shall be at liberty to require the assistance of another pacificator justice of the neighbourhood.

And any of the said judges can be objected to, either by reason of relationship or ties which may interest them directly in the decision of the subject of difference. But such demands and objections shall be proposed before the contradictory instruction of the cause.

4th. The party or parties condemned by one or more pacificator justices (*amiables compositeurs*) may appeal from such judgment to the permanent committee of the county, at the sitting following the judgment in first instance, and the opinion of such committee shall be final.

5th. The pacificator justices shall, according to the seriousness of the circumstances, grant to the parties the advantage of the decision of a jury composed of not less than five and not more than eleven citizens, named equally by both parties, with the exception of one, whom the justice or justices shall choose, and who shall be foreman of the jury. But in this case the verdict shall be final, and without appeal.

III.

1st. The pacificator justices shall have power to meet and to make regulations for the better carrying into effect the foregoing dispositions, which regulations shall be submitted to the revision and approbation of the permanent committee, before being put into practice.

2d. In the mean time, summonses shall be made *viva voce*, or may be given by writing, through a member of the permanent committee, or of a local committee.

3d. Judgments and verdicts shall be enregistered in a book kept in each parish, and signed by the justices or clerk whom they shall have power to name.

4th. No fee can be granted or required.

IV.

1st. Every reformer shall be bound in honour to abide in all things by the judgment rendered by the pacificator justices (*juges de paix amiables compositeurs*) or by the verdict of the jury, or in case of appeal by the final judgment of the permanent committee, as the case may be, in the same manner as if it were a judgment rendered by the courts created by the government, by virtue of existing laws, and nothing contrary thereto can be either proposed or done.

V.

Reformers who have so little patriotism, honour or virtue, as to refuse to be reconciled, at the suggestion and advice of pacificator justices; or

To carry their demands and complaints before other courts than those of honour and conciliation at present established; or

To neglect or refuse to submit to the summons issued against them to appear before any pacificator justice, jury, or before the permanent committee, as the case may be;

And whoever shall refuse to acquiesce in the decision of the said courts of honour and of conciliation, and refuse to obey the judgments, verdicts and sentences which shall be rendered;

Or whoever shall, in any manner whatsoever, seek to embarrass the progress of the measures adopted by this committee, and render illusory their accomplishment, and their moral and patriotic effect,

Shall be subject to the following penalties:—

1st. They shall not be allowed to vote at any public meeting, nor be elected by reformers to any office; and if they are members of the permanent committee or any local committee, they shall no longer sit there, and upon conviction, the committee shall order the erasure of their names from the registers.

2d. The censure of the committee shall be entered on its minutes and publicly announced at the church door of the parish to which he, who will be thus dishonoured, may belong, and at the church doors of the neighbouring parishes, and the whole shall be published in the reform newspapers in such manner as ordered by the permanent committee.

3d. From that time forward, the reformers of the county shall strictly abstain from having the least friendly communication or any dealing (*relation d'intérêt*) with him, and he shall be considered and treated by patriots as an enemy of his fellow-citizens, and as a friend of those who desire the dishonour and degradation of the country.

4th. It shall be lawful to the permanent committee, according to circumstances, to increase, modify or remit in whole or in part the foregoing penalties.

Nevertheless, he who may have recourse to the ordinary tribunals, shall not be subject to any of the above recited penalties.

If the claim in question is purely commercial;

Or

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Or if there be question of titles, which is indispensably necessary to obtain from those authorities for the security of property, and the conservation of the rights of the parties ;

Or in cases which cannot admit of compromise, or in which a legal decision cannot be obtained from the officers elected by the people, such as inspectors of fences and ditches ;

Or in all those cases where it is impossible to obtain justice by pacific and conciliatory means, if the person so proceeding shall justify himself by a certificate of a pacificator justice, approved by a second justice or by a member of the permanent committee, or by two members of any local committee, that the attempt at conciliation was vain, and that there was no other means to obtain justice.

Resolved, 5. That the reformers who have begun to drill shall form themselves in each parish, in volunteer companies of militia, under the command of officers elected by the militia-men, and shall be drilled in the managment of fire arms, and in light infantry evolutions and movements.

Returns of such corps shall be transmitted, from time to time, to the permanent committee, which binds itself to provide for those of the said corps who shall distinguish themselves by their good order and superior discipline, whatever arms and accoutrements they may require.

Officers of militia already dismissed by the governor-in-chief, or who shall hereafter be deprived of their commissions because of their patriotism, shall be re-elected by the militia men.

Resolved, 6. That the proceedings of this sitting be communicated to the central committee of Montreal, and published in the reform newspapers.

By order,
(signed) *J. Watts*, Corresponding Secretary.

Extract from the Registers of the Permanent Committee
of the County of Two Mountains.

F. H. Le Maire, Record. Sec.

(No. 3.)

TO His Excellency the Right Honourable Archibald Earl of Gosford, &c. &c.

The petition of the undersigned, loyal subjects of Her Majesty, Queen Victoria, residing in the City and County of Quebec,

Humbly sheweth,

THAT in the present disturbed state of the province, when revolutionary doctrines are openly disseminated, your petitioners are desirous of offering their services to Her Majesty's Government, to be enrolled as a volunteer rifle corps, in order that they may be prepared, when called upon, to act with efficiency in support of the laws, and to assist in maintaining inviolable the connexion at present subsisting between the parent state and her colonies in British North America.

That for the purposes aforesaid, your petitioners consider it would be desirable that they should be provided with arms and accoutrements by Her Majesty's Government, and that officers should be appointed by your Excellency to command them.

Wherefore your petitioners pray, that your Excellency will be pleased favourably to entertain their present petition, to sanction their formation as a volunteer rifle corps, to authorize their being furnished with arms and accoutrements, and to their being placed under the command of such officers as your Excellency may be pleased to select and appoint from among the signers of this petition ; and your petitioners, as in duty bound, will ever pray.

Quebec, September 1837.

325 signatures.

(No. 4.)

I REQUEST you, gentlemen, to acquaint the petitioners who, through you, now tender their services to Her Majesty, by desiring to be enrolled as a volunteer corps, that although I must decline to accede to their proposal, yet I derive much satisfaction from the assurance conveyed by the tenor of their petition, that in the event of any extraordinary municipal aid being required, I can rely with confidence upon their loyalty, and their attachment to the principles of good order, for any assistance that may be necessary to support the laws and preserve the public tranquillity ; and I feel persuaded that the good sense and reflection of the petitioners will at once supply reasons of sufficient weight to secure their concurrence in the soundness of the conclusion at which I have arrived.

Castle of St. Lewis, Quebec, 7th October 1837.

No. 39.
Earl of Gosford to
Lord Glenelg,
12 October 1837.

Enclosure 2,
in No. 39.

Enclosure 3,
in No. 39.

Enclosure 4,
in No. 39.

— No. 40. —

No. 40.

Earl of Gosford to
Lord Glenelg,
19 October 1837.

Copy of a DESPATCH from the Earl of Gosford to Lord Glenelg.

(No. 105.)

My Lord,

Castle of St. Lewis, Quebec, 19 Oct. 1837.

I HAVE the honour to acknowledge the receipt of your despatch of the 22d of August last (No. 256), enclosing five instruments, under Her Majesty's signet and sign manual, for summoning Messrs. P. D. Debartzch, F. A. Quesnel, John Neilson, R. E. Caron, and George Pemberton, to seats at the Executive Council Board, and ten, empowering me to call to the Legislative Council Messrs. J. B. R. H. De Rouville, John Neilson, A. Dionne, S. C. C. De Bleury, J. D. Lacroix, J. M. Fraser, J. Pangman, A. M. De Salaberry, R. E. Caron, and G. Marchand.

Of the proposed Legislative Councillors all have accepted the honour intended to be conferred on them by Her Majesty, and will receive writs of summons at the next meeting of the Legislature, except Mr. Marchand, who has assigned, as his reasons for declining the appointment, the precarious state of his health, the increased expenses incident to a higher station in life than that in which he at present moves, and the circumstance that his attention to mercantile pursuits, from which he has now retired, has prevented his devoting sufficient time to the study of those subjects that would qualify him for the proper discharge of the duties of legislation.

With these additions, the Legislative Council will consist of 40 members, of whom 18 are French Canadians, and six, including the Speaker and Mr. Justice Bowen, hold office under Government. It must be observed, however, that Mr. Bowen never attends, and that Messrs. Hale, Ryland, Coffin, Mackenzie, Gagy, and Kerr, will most probably, from age and infirmity, not again assist in the deliberations of the Council; and further, that Messrs. Forsyth and Moffatt being absent from the Province on leave for not less than two years, the numbers to be present at any future session of the Council within that period could not exceed 13 English and 18 Canadian members, making in all 31, of whom three at most would be office-holders.

Of the gentlemen to be summoned by Royal mandamus to the Executive Council, Messrs. Debartzch, Quesnel, and Pemberton, immediately expressed their readiness to afford their services to Her Majesty, and they have accordingly been sworn in as members of the Board; but Messrs. Neilson and Caron requested to be excused, the former expressing his regret that the recent death of his son, which had thrown upon him the management of a newspaper establishment, prevented his giving a further proof of his desire to contribute to Her Majesty's service, by accepting the situation of one of Her executive councillors for the province; and the latter, urging that the judicial functions of an executive councillor would interfere with the pursuit of his profession. The circumstance of Mr. Caron being an advocate must, I presume, have escaped your Lordship's attention, as it brings him immediately within the reasons given by your Lordship for not transmitting the Royal mandamus in favour of gentlemen practitioners in the courts of law. I offered, however, to remove the objection, by swearing in Mr. Caron as an honorary member; but this also he declined.

The creation of three new mandamus members having placed me in a position to dispense with the further services of the Honourable Messrs. Smith and De Léry, I lost no time in acquainting them that I accepted their resignations, which had been tendered, and conditionally accepted, shortly after my arrival in the country. Mr. Cochran having, under leave of absence for six months, quitted the province before the arrangements on this head were in a state to allow my acting on them, his case remains as it was, to be dealt with either by your Lordship on his arrival in England, or by the Local Executive on his return to Canada.

The non-acceptance of seats in the council by some of the gentlemen, recommended by me in June last for this appointment, has disarranged, in some degree, the views on which, as a connected plan, the list then forwarded to your Lordship was framed. This, with the altered state of circumstances, and the

The Hon^{bles}

J. Sewell, Speaker.

J. Hale.

H. W. Ryland.

J. Cuthbert.

C. W. Grant.

P. D. Debartzch.

Thos. Coffin.

R. Mackenzie.

L. Gagy.

J. Kerr.

E. Bowen.

M. Bell.

T. Pothier.

J. Stewart.

J. Forsyth.

S. Hatt.

D. B. Viger.

L. Guy.

G. Moffatt.

R. De St. Ours.

P. McGill.

M. P. De Sales

Laterrière.

F. X. Malhiot.

B. Joliette.

P. De Rocheblave.

R. U. Harwood.

A. G. Couillard.

R. Jones.

J. Baxter.

F. Quirouet.

J. Masson.

H. De Rouville.

J. Neilson.

A. Dionne.

S. C. C. De Bleury.

J. D. Lacroix.

J. M. Fraser.

J. Pangman.

A. M. De Salaberry.

R. E. Caron.

the possession of more extensive information obtained since the transmission of that list, have prevented my acting as freely on my recommendations as your despatches of the 14th of July and 22d of August last (Nos. 240 and 256), contemplate and empower me. I have, however, in exercise of the authority with which I have been entrusted, sworn in, as executive councillors, Messrs. Louis, Panet, and William Sheppard, so that the present Board is composed (exclusive of Mr. James Stuart, who is never summoned to attend, and Mr. Cochran, now on his way to England), of eight members, viz. Messrs. John Stewart, Dominique Mondelet, *κ. c.*, Hugues Heney, George Pemberton, Louis Panet, P. D. Debartzch, F. A. Quesnel, *κ. c.*, and William Sheppard, of whom Mr. Stewart, being master of the Trinity-house and commissioner of the Jesuits' estate, can alone be said to be an office-holder under Government. Mr. Panet, I should add, as being one of the most eminent notaries in Quebec, is employed by Mr. Stewart to collect the rents of a portion of the Jesuits' estates, for which service he receives the usual allowance of 10 per cent.

Your Lordship will observe, that as yet there is no member of the House of Assembly in the Council; but as there appeared to be no likelihood of the present Parliament meeting again, I have thought it more advisable, considering all circumstances, to defer making a selection from that body, until after a new election shall have taken place.

As but four of the councillors reside in this city, of whom two only are in possession of the Royal mandamus, it will be necessary to add to their number from inhabitants of Quebec or its immediate vicinity, in order to insure, as well the regular performance of the ordinary duties of the Council, as to prevent inconvenience to the public, from the closing of the Court of Appeals, in consequence of the non-attendance at any time of the distant members. I shall, as soon as I am able to decide on their eligibility, submit some additional names for your Lordship's consideration; but I must confess that the difficulty, especially at this juncture, of selecting individuals who shall be found to combine all the qualifications requisite to fill a station which, from recent events, has become of greater importance than ever, is one of no ordinary kind, and leaves me unprepared at the present moment, with any fresh recommendations to lay before you.

I have &c.
(signed) *Gosford.*

— No. 41. —

Copy of a DESPATCH from the Earl of Gosford to Lord Glenelg.

(No. 109.)

My Lord,

Castle of St. Lewis, Quebec,
25 October 1837.

WITH reference to your despatches of the 14th of July (Nos. 241 and 242), authorizing me to draw upon the Lords of the Treasury for the amount of the Parliamentary grant of 142,160 *l.* 14 *s.* 4 *d.*, for Her Majesty's civil service in this province, and conveying to me instructions to discharge thereout the arrears due to the public servants to the 10th of April last, I have the honour to acquaint you that having, in compliance with the desire expressed in your despatch of the 22d of July (No. 244), consulted with Mr. Commissary-general Routh as to the best mode of carrying out your directions, I determined that it would be more advisable, on every account, not to liquidate the several demands by bills on the Treasury, but to procure specie from New York by the sale there of such bills, and to pay each officer his arrears in coin. With this view I requested Mr. Routh, who being more conversant with transactions of this nature, and who from his name being better known in the money markets on this continent, would probably secure a more advantageous negociation than I could, to draw and dispose of bills on the Lords of the Treasury to the extent of 65,000 *l.* sterling, a sum which I found would, with the Crown revenues in hand on the 10th of April, amounting to about 23,000 *l.* sterling, be sufficient to liquidate all the liabilities of the Provincial Government at that date, with the exception of the 31,000 *l.* advanced in November 1834 from the military chest, and the arrears due to Lord Aylmer, his civil secretary, and Messrs. Amyot and Buchanan, which arrears your Lordship informed me were to be discharged in England. The repayment therefore of these five items, as it was to be made to the commissariat here, had

No. 40.

Earl of Gosford to
Lord Glenelg,
19 October 1837.

No. 41.

Earl of Gosford to
Lord Glenelg,
25 October 1837.

No. 41.
 Earl of Gosford to
 Lord Glenelg,
 25 October 1837.

better, I thought, be deferred until the 65,000*l.* now drawn should be refunded from the provincial treasury, under the authority of the Act to be passed for that purpose by the Imperial Parliament. The discharge of the whole debt would then form but a single operation, and there would be no occasion to borrow from the Treasury to repay the Treasury.

The Commissary-general, therefore, in pursuance of my directions, drew, in his own name, and sold bills to the extent of 65,000*l.* sterling, the proceeds of which he retained to be distributed under my warrants. This transaction, besides yielding a clear profit of upwards of 3,000*l.* must prove, I should think, of considerable convenience to the trading and general interests of the community, as the means of introducing into the province a large quantity of specie, at a time when, from commercial embarrassments, and the universal and continued suspension of cash payments by the banks, the want of it was much felt. It caused, however, a delay of four or five weeks in the payment of the public servants, but on the 10th instant all the arrangements for that purpose were completed; and those who chose to dispose of their specie obtained a premium of at least four per cent., some remuneration, though a very inadequate one, for the severe inconvenience they had suffered by being so long kept out of what was due to them.

The principle on which I proceeded in discharging the arrears, is the same as that on which the Local Legislature has acted when making provision for the public service in their bills of supply; namely, to appropriate, in the first instance, the revenues under the control of the Crown, as far as they will extend, before resorting to other sources. I presume that your Lordship intended that I should follow this course, as it seems unnecessary to have the authority of an Act of Parliament for the application by the Crown of funds that it can legally appropriate without the intervention of the Legislature. Accordingly, having ascertained that the amount in hand of those funds on the 10th of April last was about 23,000*l.* sterling, I paid thereout, 1st, all services specifically charged upon, or usually defrayed from, the Crown revenues; 2dly, all items that since 1832 the House of Assembly have objected to, with the exception of the deputy postmaster-general's account (4,048*l.* 8*s.*) which, for the reasons contained in my despatch of yesterday (No. 108), was liquidated out of the Parliamentary loan; and, 3dly, the amounts due to those officers who, residing at a distance, had agents in Quebec, acting under special powers of attorney, available only for giving acquittances to the receiver-general, the ordinary channel of payment. Enclosure No. 1 contains a statement of the several items thus liquidated, which, including 2,217*l.* 8*s.* 11*d.* sterling, paid to Mr. Gagy on his dismissal in April last from the shrievalty of Montreal, amount in the whole to the sum of 22,014*l.* 12*s.* sterling, dollars at 4*s.* 6*d.* There are, however, a few other accounts yet outstanding that are to be defrayed out of these funds, but they will not swell the total just stated beyond 23,000*l.*

Enclosure No. 1.

Enclosure No. 2.

Enclosure No. 2 consists of two pay lists addressed to the Commissary-general, containing the several items discharged by him, under my warrants, out of the funds raised by the sale of the bills on the Treasury, the first being a list of the arrears of salary, and the second of the accounts of contingencies due on the 10th of April to the different officers therein named.

The totals of the two lists amount together to 292,096 $\frac{1}{2}$ dollars, which, reckoning the dollar at 4*s.* 6*d.* (the value assigned to it in keeping the provincial accounts and in Government transactions), is equal to 65,721*l.* 13*s.* 5*d.* sterling, or, reckoning the dollar at 4*s.* 4*d.* (the value it bears in all commissariat transactions), is equal to 63,287*l.* 10*s.* 9*d.* To this must be added 4,048*l.* 8*s.* sterling (dollars at 4*s.* 6*d.*), the amount of the postage accounts, paid by a separate warrant.

I may here remark, that in those instances where the House of Assembly had reduced, in their votes of 1833 and 1836, the salaries of certain officers, such, for example, as the physicians to the gaols, the provincial aid-de-camp, the masters of the Royal grammar schools at Quebec and Montreal, &c., I have paid the arrears, only at the reduced rate, from the 1st of April 1836, having at that period liquidated, out of the 45,000*l.* of Crown revenues then distributed, the whole of what was due to such officers, according to the old rate, giving them notice, at the same time, that in future they must look only to the Provincial Legislature for the amount and payment of their salaries; and as the auditor of land patents, the clerk of the court of appeals, and the clerk of the court of
 escheats

escheats were told, when they also received the full amount of what was due to them in April 1836, that from that date their salaries were to cease (the first because the office was to be abolished, and the other two because their services could be sufficiently remunerated by fees), their names, in respect of these offices, do not appear in any of the lists of the arrears paid on the present occasion.

It may be satisfactory, although, perhaps, not now of much practical importance, to say a few words in explanation why the Parliamentary grant of 142,160*l.* 14*s.* 4*d.* sterling (dollars at 4*s.* 6*d.*) has proved more than adequate to answer the purposes for which it was taken. Your Lordship, it appears, assumed, as the basis of the grant, a calculation contained in my despatch of the 23d of January last (No. 14). Now, that calculation was, in a great measure, founded upon an estimate, and comprised not only all the expenses and liabilities immediately connected with the machinery of Government, as well those specifically charged upon the Crown funds as those usually provided for by the Local Legislature out of the general revenues, but also a sum of 5,200*l.* granted by provincial Acts for public works, expenses of commissions, salaries of certain officers, &c., which, as it fell due, was paid under the authority of those Acts. It comprised also several items which, from their pressing nature, or other sufficient considerations, had to be paid out of the Crown funds previous to the 10th of April last; so that at that date the amount of the debt, as appears from the Enclosures Nos. 1 & 2, did not exceed 127,744*l.*; but as 22,514*l.* 12*s.* of this, with the exception of 500*l.* estimated for outstanding accounts, has been liquidated out of the Crown revenues, and will not, therefore, I presume, be included in the Bill to be introduced into the Imperial Parliament based on the 8th of the late Canada resolutions, there will remain to be refunded to the British Treasury by the province (assuming that the profit of 3,204*l.* 8*s.* 2*d.* arising from the negotiation of the Treasury bills belongs to the latter, a question raised by a separate despatch, No. 110) the sum of 105,229*l.* 9*s.* sterling (dollars at 4*s.* 6*d.*) composed of the following items, namely:—

	sterling Dollars, at 4 <i>s.</i> 6 <i>d.</i>			Number of Dollars.
	£.	s.	d.	
Amount of bills drawn 65,000 <i>l.</i> sterling, dollars at 4 <i>s.</i> 4 <i>d.</i> , equal in sterling dollars at 4 <i>s.</i> 6 <i>d.</i> to	67,500	—	—	300,000
Loan from military chest in 1834	31,000	—	—	137,777 $\frac{1}{2}$
*Arrears of salary to Lord Aylmer	5,156	10	1	22,917 $\frac{1}{2}$
*Ditto to his civil secretary	572	18	11	2,546 $\frac{5}{12}$
Ditto, pension to Mr. Amyot	700	—	—	3,111 $\frac{1}{10}$
Ditto of Mr. Buchanan's half salary	300	—	—	1,333 $\frac{1}{3}$
TOTAL	105,229	9	—	or \$467,686 $\frac{1}{2}$

* N. B.—These two sums were correctly calculated in your Lordship's despatch of the 1st of August last (No. 249.)

But perhaps the simplest and best mode of effecting the repayment of this amount would be, instead of dealing in pounds sterling, to authorize the transfer from the provincial treasury to the Commissary-general of 467,686 $\frac{1}{2}$ dollars; should, however, the Government think it advisable to act on the suggestion contained in my despatch of the 24th instant (No. 108) for remitting the 4,048*l.* 8*s.* paid to the deputy postmaster-general for postage incurred in several of the civil departments here, that sum, which is equal to 17,992 $\frac{9}{10}$ dollars, must be deducted. If, on the other hand, your Lordship should be of opinion that the Crown revenues ought to be appropriated to the discharge only of arrears in respect of services specifically charged upon them, then, without running the account with a scrupulous nicety against the general revenues, there must be added to the 105,229*l.* 9*s.* (or 467,686 $\frac{1}{2}$ dollars) the sum of 18,264*l.* 0*s.* 10*d.* (or 81,173 $\frac{1}{2}$ dollars), being the amount of all the items contained in Enclosure No. 1, except the 500*l.* estimated for outstanding accounts, and those marked with a star, to indicate that they have been specifically charged upon or heretofore defrayed out of the funds at the disposal of the Crown.

I have, &c.

(signed) *Grosford.*

No. 41.
Earl of Gosford to
Lord Glenelg,
25 October 1837.
Enclosure 1, in
No. 41.

Enclosure 1, in No. 41.

PAYMENTS made out of the Funds at the disposal of the Crown, in the hands of the Receiver-general, up to the 10th April 1837, being Balances due for Arrears of Salaries, &c. up to the 31st March, and for Contingent Claims up to 10th April 1837.

No.	Names of Persons to whom Payment is to be made.	S E R V I C E.	Amount to be Paid. Sterling Dollar s' 4 s. 6 d.
			£. s. d.
1	Louis Gagy - -	-- Salary as sheriff of Montreal, to 1st April 1837.	150 6 6
2	Louis Gagy - -	Allowance for executioner as ditto - -	40 11 6
3	Louis Gagy - -	For contingencies as ditto - - - -	2,026 11 11
4	Fisher & Kemble -	- Balance of their accounts for printing and stationery for the civil secretary's office, up to 10 April 1837.	305 14 7
5	Dominick Daly	-- Allowance as provincial secretary for rent of an office for registering grants of Crown lands, from 1st October 1835 to 31st March 1837.	81 - -
6	Joseph Cary -	-- Allowance as inspector-general of public accounts for a second clerk and contingencies, in consequence of his performing the duties of the late auditor-general, from 1st October 1835 to 31st March 1837.	150 - -
7	William Smith -	-- Balance of his salary as a member of the Executive Council, to 31st March 1837.	275 - -
8	John Stewart -	- - - Ditto - - - - -	275 - -
9	C. F. De Lery -	- - - Ditto - - - - -	275 - -
10	A. W. Cochran -	- - - Ditto - - - - -	275 - -
11	Hugues Heney -	- - - Ditto - - - - -	152 10 -
12	G. H. Ryland -	-- Salary as assistant-clerk of the Executive Council, from 10th October 1835 to 31st March 1837, at 10s. per diem.	274 - -
13	A. W. Cochran -	-- Balance of salary as law clerk to the Legislative Council, up to ditto.	495 - -
14	William Smith -	-- Balance of salary as Master in Chancery, up to 31st March 1837.	222 15 -
15	J. G. Thompson -	-- Ditto of ditto as provincial judge of the district of Gaspé.	1,125 - -
16	Henry Black -	-- Salary as judge of the Court of Vice-Admiralty, from 21st September 1836 to 31st March 1837, at 200 <i>l</i> .	106 9 7
17	Martin Sheppard -	-- Ditto as sheriff of the district of Gaspé, from 10th October 1835 to 31st March 1837.	105 - -
18	Martin Sheppard -	-- Allowance as ditto for travelling expenses, from ditto to ditto.	15 - -
19	Robert Sherar -	-- Salary as coroner for the district of Gaspé, from ditto to ditto.	75 - -
20	Bebee & Wilkie -	-- Ditto as clerks of the Provincial Court and clerks of the peace, for ditto, from ditto to ditto, including allowance for travelling.	90 - -
21	G. J. Stanley -	-- Salary as crier of the criminal courts at Montreal, from ditto to ditto.	30 - -
22	Peter Devins -	-- Ditto as tipstaff to the courts at ditto, from ditto to ditto.	27 - -
23	J. M'Lellan - -	-- Ditto as keeper of the gaol and court-hall at New Carlisle, from ditto to ditto.	54 - -
24	William Annett -	Ditto as ditto at Percé, from ditto to ditto -	54 - -
25	Martin Sheppard -	-- Balance of his contingent accounts as sheriff of the district of Gaspé, up to 10th April 1837.	68 14 -
26	C. G. De Tonnancour	-- Ditto as coroner of the district of St. Francis, to ditto.	25 18 8
27	Bebee & Wilkie -	-- Ditto as clerks of the court and clerks of the peace for Gaspé, to ditto.	105 - -

(continued)

AFFAIRS OF LOWER CANADA.

77

No.	Names of Persons to whom Payment is to be made.	S E R V I C E.	Amount to be Paid.		
			Sterling	Dollar	a' 4s. 6d.
28	Mrs. M. Elmsley -	-- Eighteen months' pension, up to 31st Mar. 1837.	£. 300	s. -	d. -
29	F. G. Heriot -	-- Salary as provincial aide-de-camp, from 1st October 1835 to 31st March 1837.	270	5	1
30	E. W. R. Antrobus -	-- Ditto - - - - -	128	9	3
31	F. M'Rae - -	-- Ditto as surveyor of highways in Gaspé, to 31st March 1837.	75	-	-
32	J. Sewell - -	-- Balance of his salary as Speaker of the Legislative Council, up to ditto.	2,025	-	-
33	E. Bowen - -	Salary as ditto during the session of 1835 -	450	-	-
34	Hon. F. W. Primrose	-- Commission as inspector-general of the Queen's domain on the amount of rents of water lots paid to the receiver-general between 11th April 1836 and 10th April 1837.	12	12	3
35	Hon. F. W. Primrose	-- Incidental disbursements incurred in the management of the Queen's domain since his appointment in 1828, to 10th April 1837.	57	7	3
36	J. Sewell - -	-- For rent of an office for the Papier Terrier, hired from him on 16th July 1828, and occupied until 1st May 1831, at 20 <i>l.</i> currency per annum.	50	3	6
37	J. Bouchette and James Perkins.	-- As substitutes for the second clerk in the surveyor-general's office during his absence on leave.	37	5	10
38	- - - -	-- For the services of sundry bailiffs, from 1833 to 1836, inclusive, in the districts Montreal and St. Francis.	71	14	7
39	John Neilson -	-- For stationery and printing for the civil secretary by the late Samuel Neilson.	62	8	10
40	Armour & Ramsay -	-- Ditto - - - - -	28	13	-
41	Charles Phillips -	-- For glazing and plumbers' work in the public offices.	4	2	2
42	C. R. Ogden -	-- Balance of his contingent accounts for services as solicitor and attorney-general, from 1831 to 10th April 1837.	7,812	8	5
ITEMS specifically Charged upon and heretofore Defrayed out of the Crown Funds :					
1	Jane Levingston -	-- Pension from 1st April 1836 to 31st March 1837.	50	-	-
2	Two Misses De Salaberrys.	-- Ditto, from 10th October 1835 to ditto, at 50 <i>l.</i> each per annum.	150	-	-
3	John Davidson -	-- Retired allowance, from 1st October 1834 to ditto.	625	-	-
4	A. W. Cochran -	-- Salary as commissioner of the Court of Escheats, up to 31st March 1837.	1,125	-	-
5	A. C. Buchanan, jun.	-- Moiety of salary of agent for emigrants at Quebec, to ditto.	300	-	-
6	A. C. Buchanan, jun.	-- Amount of contingent expenses of his office, to ditto.	333	8	3
7	H. W. Ryland -	-- Retiring allowance as late treasurer of the Jesuits estates, to ditto.	365	12	6
	G. H. Ryland -	-- Retiring allowance as late secretary of the Jesuits estates, up to 31st March 1837.	243	15	-
	John Davidson -	-- Commission as acting commissioner of Crown lands on the sum of 11,155 <i>l.</i> 12 <i>s.</i> 2 <i>d.</i> sterling, paid in by him to the receiver-general between 6th August 1836 and 10th April 1837.	557	15	6
			£.	22,014	12 2
To which may be added for straggling items not finally settled				500	- -
TOTAL - - -			£.	22,514	12 2

No. 41.
Earl of Gosford to
Lord Glenelg,
25 October 1837.

Enclosure 1, in
No. 41.

No. 41.

Earl of Gosford to
Lord Glenelg,
25 October 1837.

Enclosure 2, in No. 41.

(List No. 1.)

Enclosure 2, in
No. 41.

LIST of Persons to whom Payments are to be made out of the Sum granted by the Imperial Parliament of Great Britain and Ireland, in its late Session, towards defraying the Arrears of Expenses of the Civil Government of *Lower Canada*, being the Balances due to these several Persons up to the 31st March 1837, inclusive, for the under-mentioned Services. Paid by the Governor's Warrant on the Commissary-general, No. 5.

No.	Names of Persons to whom Payment is to be made.	S E R V I C E.	Amount to be Paid. Sterling Dollar a' 4 s. 6 d.		
			£.	s.	d.
1	His Excellency the Earl of Gosford.	-- Salary as Captain-general and Governor-in-chief.	7,218	9	11
2	Stephen Walcott -	Ditto as civil secretary - - - -	802	1	1
3	John Davidson -	Ditto as assistant ditto - - - -	369	-	10
4	C. N. Montizambert	-- Ditto as assistant in the office of the civil secretary.	274	--	--
5	Henry Paul -	- - - Ditto - - - - -	137	-	-
6	Robert N. Watts -	- - - Ditto - - - - -	137	-	-
7	George Cross -	Salary as messenger in ditto - - -	40	8	10
8	George Cross -	Ditto as keeper of civil secretary's office -	22	1	2 ^(a)
9	Philip St. Hill -	Ditto as extra messenger in ditto - - -	37	-	3
10	Philip St. Hill -	Ditto as messenger in ditto - - - -	22	1	2
11	Olivier Vincent -	Ditto as extra ditto - ditto - - - -	24	12	9
12	E. J. Duchesnay -	Ditto as French translator to Government -	75	-	-
13	Dominick Daly -	-- Allowance for an office servant as provincial secretary.	45	-	-
14	Jonathan Sewell -	Rent of building used for public offices -	750	-	-
15	John King -	- Allowance as keeper of ditto - - -	60	-	-
16	John Hale -	-- Ditto as receiver-general for contingencies of office.	150	-	-(b)
17	Joseph Cary -	Salary as inspector-general of public accounts	825	-	-
18	Joseph Cary -	Allowance as ditto for a clerk and contingencies	150	-	-
19	H. W. Ryland -	-- Salary as registrar and clerk of the Executive Council.	1,375	-	-
20	H. W. Ryland -	Allowance for stationery and printing as ditto	75	-	-(c)
21	John King -	-- Salary as messenger and keeper of apartments of ditto.	75	-	-
22	Michael Quin -	Salary as doorkeeper and office servant as ditto	75	-	-
23	William Smith -	Ditto as clerk of the Legislative Council -	1,237	10	-
24	C. E. De Lery -	Ditto as assistant ditto - - - -	990	-	-
25	J. Voyer -	Ditto as writing clerk assistant to ditto -	618	15	-
26	John Sewell -	-- Ditto as gentleman usher of the black rod attending ditto.	202	10	-(d)
27	William Ginger -	Salary as serjeant at arms ditto - - -	135	-	-
28	Hugh M'Donald -	Ditto as doorkeeper ditto - - - -	37	10	-
29	Jane Brown -	Ditto as keeper of the apartments ditto -	74	5	-
30	L. J. Papineau -	Ditto as Speaker of the House of Assembly -	2,475	-	-(e)
31	W. B. Lindsay -	Ditto as clerk of ditto - - - -	1,237	10	-
32	Representatives of J. A. Bouthillier.	Ditto as assistant clerk of ditto - - -	493	8	-
33	G. B. Faribault -	- - - Ditto - - - - -	494	15	1
34	Samuel Waller -	Salary as English translator to ditto - -	21	4	2
35	G. W. Wickstead -	Ditto as ditto - - - - -	248	15	10
36	G. B. Faribault -	Ditto as French ditto - - - -	22	12	7
37	Henry Voyer -	Ditto as ditto - - - - -	228	3	10
38	Hugues Heney -	Ditto as law clerk to the House of Assembly -	246	4	2

(a) On the dismissal, in August 1836, of the office-keeper, the senior messenger, G. Cross, took his place, and was succeeded by the extra messenger St. Hill, which accounts for their names appearing twice in this List.

(b) Mr. Hale, under the instructions contained in his commission, deducts his salary from the monies that come into his hands.

(c) At the rate of 50 *l.* per annum.

(d) This gentleman being also postmaster of Quebec, was called upon to make his election, and resigned the situation of usher of the black rod on the 30th August 1837.

(e) Mr. Papineau has not taken up the warrants for any part of his salary since 1832.

AFFAIRS OF LOWER CANADA.

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No.	Names of Persons to whom Payment is to be made.	S E R V I C E.	Amount to be Paid. Sterling Dollar a' 4 s. 6 d.
39	Representatives of late Fras. Coulson.	-- Salary as serjeant-at-arms to House of Assembly.	135 - -
40	Thomas Amyot -	Ditto as clerk of the Crown to ditto - -	150 - -
41	Jonathan Sewell -	Ditto as chief justice of the province - -	3,625 - -
42	James Reid -	Ditto as ditto of Montreal - -	2,525 - -
43	Edward Bowen -	-- Ditto as one of the puisne judges of the Court of King's Bench at Quebec.	2,025 - -
44	Philip Panet -	Ditto as ditto - - - - -	2,025 - -
45	Elzear Bédard -	Ditto as ditto - - - - -	770 18 -
46	George Pyke -	Ditto as ditto at Montreal - - - - -	2,025 - -
47	J. R. Rolland -	Ditto as ditto - - - - -	2,025 - -
48	Samuel Gale -	Ditto as ditto - - - - -	1,896 3 3
49	J. R. Vallière de St. Real.	-- Ditto as provincial resident judge at Three Rivers.	2,025 - -
50	John Fletcher -	Salary as ditto at district of St. Francis -	1,125 - -
51	C. R. Ogden -	Ditto as Attorney-general at Quebec - -	825 - -
52	Michael O'Sullivan	Ditto as Solicitor-general - - - - -	550 - -
53	W. S. Sewell -	Ditto as sheriff of Quebec - - - - -	150 - -
54	J. G. Ogden -	Ditto as ditto at Three Rivers - - - - -	112 10 -
55	J. G. Ogden -	-- Compensation as ditto for extra duties under Acts 9 Geo. 4, c. 6, and 6 Geo. 4, c. 15.	15 15 -
56	Charles Whitcher -	Salary as sheriff of St. Francis - - - -	75 - -
57	W. S. Sewell -	Allowance for an executioner as ditto at Quebec	40 10 -
58	J. G. Ogden -	Ditto at Three Rivers - - - - -	40 10 -
59	B. A. Panet -	Salary as coroner for the district of Quebec -	150 - -
60	J. M. Mondelet -	Ditto at Montreal - - - - -	150 - -
61	Valere Guillet -	Ditto at Three Rivers - - - - -	20 2 9
62	T. W. Willan -	Ditto as clerk of the Crown at Quebec -	60 - -
63	A. M. De Lisle -	Ditto at Montreal - - - - -	60 - -
64	W. C. H. Coffin -	Ditto at Three Rivers - - - - -	30 - -
65	Edward Desbarats	-- Allowance as clerk of the court of appeals for stationery.	9 - -
66	Samuel Hill -	Salary as usher of the court of appeals - -	40 10 -
67	Simeon Le Lievre -	Ditto as interpreter to the courts at Quebec -	60 - -
68	Richard Dillon -	Ditto at Montreal - - - - -	60 - -
69	J. C. Fearon -	Ditto at Three Rivers - - - - -	37 10 -
70	William Downes -	Ditto as high constable at Quebec - -	54 - -
71	Benjamin De Lisle	Ditto at Montreal - - - - -	54 - -
72	Philip Burns -	Ditto at Three Rivers - - - - -	40 10 -
73	Samuel Hill -	-- Ditto as crier of the criminal courts of King's Bench at Quebec.	30 - -
74	Samuel Hill -	Salary as tipstaff to ditto - - - - -	27 - -
75	Pierre Portugais -	Ditto as ditto at Three Rivers - - - -	37 10 -
76	Jos. Tardif -	Ditto as keeper of the court-house at Quebec	81 - -
77	H. O. Donahue -	Ditto as ditto at Montreal - - - - -	108 - -
78	Pierre Portugais -	Ditto as ditto at Three Rivers - - - -	54 - -
79	C. M. Hyndman -	Ditto as keeper of the court-hall at Sherbrooke	58 10 -
80	John Jeffreys -	Ditto as ditto of gaol at Quebec - - - -	187 10 -
81	John Jeffreys -	Allowance as ditto for two turnkeys - - -	108 - -
82	Charles Wand -	Salary as keeper of gaol at Montreal - -	117 2 6
83	Charles Wand -	Allowance for two turnkeys as ditto - -	67 9 3
84	R. Gennis -	Salary as keeper of gaol at Three Rivers -	82 10 -
85	R. Gennis -	Allowance as ditto for two turnkeys - -	108 - -
86	Patrick Read -	Salary as keeper of gaol at Sherbrooke -	37 10 -
87	Thomas Fargues -	Salary as physician attending the gaol at Quebec.	100 - -
88	Daniel Arnoldi -	Ditto at Montreal - - - - -	100 - -
89	George Carter -	Ditto at Three Rivers - - - - -	50 - -
90	Mrs. Dunn -	Pension - - - - -	750 - -
91	Mrs. Baby -	Ditto - - - - -	225 - -
92	H. W. Ryland -	Ditto - - - - -	900 - -
93	H. W. Ryland -	-- As lawful attorney of the representatives of the late Sir George Pownal, being his arrears of pension.	163 19 5
94	Mrs. M. Le Maistre	Pension - - - - -	75 - -
95	Miss De Louvière	Ditto - - - - -	32 8 -
96	Mrs. Rottot -	Ditto - - - - -	54 - -
97	Henry Harwood -	Ditto - - - - -	45 - -

No. 41.

Earl of Gosford to
Lord Glenelg,
25 October 1837.Enclosure 2, in
No. 41.

80 CORRESPONDENCE RELATIVE TO THE

No. 41.
Earl of Gosford to
Lord Glenelg,
25 October 1837.

Enclosure 2, in
No. 41.

No.	Names of Persons to whom Payment is to be made.	S E R V I C E.	Amount to be Paid. Sterling Dollar a' 4s. 6d.		
			£.	s.	d.
98	Miss Finlay -	Pension - - - - -	30	-	-
99	Miss Mackay -	Ditto - - - - -	27	-	-
100	Miss Desbarats -	Ditto - - - - -	27	-	-
101	Miss M. A. Monti- zambert.	Ditto - - - - -	15	-	-
102	Miss L. Montizam- bert.	Ditto - - - - -	15	-	-
103	Miss G. Launiere -	Ditto - - - - -	15	-	-
104	Miss M. Launiere -	Ditto - - - - -	15	-	-
105	Miss E. Launiere -	Ditto - - - - -	15	-	-
106	Miss G. Schindler	Ditto - - - - -	7	10	-
107	Joseph Bouchette	Salary as surveyor-general - - -	1,237	10	-
108	William Sax -	Ditto as 1st clerk in office of ditto - -	274	-	-
109	Henry Ball -	Ditto as 2d ditto - - - - -	187	14	2
110	Joseph Bouchette	Allowance for stationery as surveyor-general -	30	-	-
111	Joseph Bouchette	Ditto for office servant - - - -	60	-	-
112	F. Vassal de Mon- viel.	Salary as adjutant-general of militia - -	1,137	10	-
113	S. J. Duchesnay -	Salary as deputy adjutant-general of militia -	742	10	-
114	F. Vassal de Mon- viel.	Allowance as adjutant-general for a clerk -	57	4	3
115	F. Vassal de Mon- viel.	Ditto for a messenger - - - -	90	8	5
116	E. W. R. Antrobus	Salary as grand voyer for district of Quebec -	412	10	-
117	P. L. Panet -	Ditto - - - - Montreal - - -	225	-	-
118	Hugues Heney -	Ditto - - - - Three Rivers - - -	247	10	-
119	Hon. F. W. Prim- rose.	Ditto as clerk of the Terrars - - -	247	10	-
120	Rev. R. R. Burrage	- - Ditto as master of the grammar-school at Quebec.	100	-	-
121	Rev. R. R. Burrage	Allowance for house-rent as ditto - -	135	-	-
122	Alexander Shakel -	- - Salary as master of the grammar-school at Montreal.	100	-	-
123	Alexander Shakel -	Allowance for house-rent as ditto - -	81	-	-
124	Rev. R. R. Burrage	- - Allowance as secretary to the Royal Insti- tution for a clerk and contingencies.	18	-	-
TOTAL - - - £.			53,638	4	8

Enclosure 3, in
No. 41.

Enclosure 3, in No. 41.
(LIST No. 2.)

LIST of Persons to whom Payments are to be made out of the Sum granted by the Imperial Parliament of Great Britain and Ireland, in its late Session, towards defraying the Arrears of Expenses of the Civil Government of Lower Canada, being the Balances due to these several Persons for Contingent Expenses for the under-mentioned Services, up to 10th April 1837, inclusive. Paid by the Governor's Warrant on the Commissary-general, No. 6.

No.	Names of Persons to whom Payment is to be made.	S E R V I C E S.	Amount payable in Sterling Dollars, a' 4s. 6d.		
			£.	s.	d.
1	Pierre Vachon -	- - For joiners' and other work done in the civil offices of Government.	43	6	8
2	Dominick Daly -	- - Contingent expenses of his office of pro- vincial secretary.	474	16	8
3	Aug. Jourdin -	- - For services and disbursements attending the depositing monies in the receiver-general's vault under three locks.	15	13	2
4	Michael O'Sullivan	- - Balance of his contingent accounts for services as solicitor-general.	155	18	4

AFFAIRS OF LOWER CANADA.

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No.	Names of Persons to whom Payment is to be made.	SERVICES.	Amount payable in Sterling Dollars, s' 4s. 6d.
			£. s. d.
5	A. R. Hamel -	-- Amount of his contingent accounts as advocate-general.	17 7 3
6	Roch de St. Ours -	-- Balance of his contingent expenses as sheriff of Montreal (a).	784 6 9
7	Wm. S. Sewell -	Ditto of ditto as ditto of Quebec - -	2,106 9 3
8	Isaac G. Ogden -	Ditto of ditto as ditto of Three Rivers - -	714 17 7
9	Charles Whitcher -	Ditto of ditto as ditto of St. Francis - -	53 2 3
10	B. A. Panet -	Ditto of ditto as coroner at Quebec - -	780 18 1
11	J. M. Mondelet -	Ditto of ditto as ditto at Montreal - -	280 17 3
12	Valère Guillet -	Ditto of ditto as ditto at Three Rivers - -	25 19 7
13	T. W. Willan -	Ditto of ditto as clerk of the Crown at Quebec	294 5 2
14	A. M. De Lisle -	Ditto of ditto as ditto at Montreal - -	314 15 7
15	Wm. C. H. Coffin -	Ditto of ditto as ditto at Three Rivers - -	72 7 -
16	Perrault & Burroughs -	Ditto of ditto as prothonotaries at Quebec -	150 1 9
17	Monk and Morrogh -	Ditto of ditto as ditto at Montreal - -	469 6 11
18	W. C. H. Coffin -	Ditto of ditto as prothonotary at Three Rivers	182 7 -
19	Wm. Bell -	Ditto of ditto as ditto in St. Francis - -	10 - 6
20	Perrault and Scott -	Ditto of ditto as clerks of the peace at Quebec	1,393 6 10
21	De Lisle and De Lisle.	Ditto of ditto as ditto at Montreal - -	1,706 14 3
22	N. S. Turcotte -	Ditto of ditto as clerk at Three Rivers - -	154 10 4
23	Philip Burns -	-- Ditto of ditto for services as high constable at Three Rivers during the criminal terms of the Court of King's Bench.	38 5 10
24	William Bell -	-- Ditto of ditto as clerk of the peace for the district of St. Francis.	6 9 -
25	Benjamin J. Shiller -	-- Ditto of ditto for having care of Crown witnesses during the criminal terms of the Court of King's Bench at Montreal.	40 10 -
26	William Downes -	-- Ditto of ditto for services as high constable at Quebec during the criminal terms of the Court of King's Bench.	36 13 5
27	Fisher and Kemble -	-- Amount of their account for printing done for and stationery furnished the office of the adjutant-general of militia.	136 6 3
28	A. Engelbach -	-- To enable him to pay for expenses incurred in works and repairs at the Castle of St. Lewis.	1,072 12 2
29	R. Robertson -	-- Amount of his accounts for work and repairs done to the Government-house at Montreal.	193 2 11
30	Alexander Miller -	-- For keeping up the winter roads in front of the several public buildings and lots within the city of Quebec in the winter 1836-37.	27 - -
31	Hon. F. W. Primrose -	-- Amount of his commission on the amount of quint and lods et ventes paid to the receiver-general.	299 6 -
32	S. Walcott, civil secretary.	-- To reimburse him so much paid for the preparation of and making four copies of the Blue Book for 1836.	31 10 -
		£.	12,083 8 9
	Deputy postmaster-general.	-- Amount of warrant for postages accounts against the civil secretary, surveyor-general, and adjutant-general of militia, from 11th October 1833 to 5th April 1837.	4,048 8 -
		TOTAL - - £.	16,131 16 9

No. 41.
Earl of Gosford to
Lord Glenelg,
25 October 1837.

Enclosure 3, in
No. 41.

(a) Outstanding accounts of the shrievalty, not ascertained when the late sheriff was paid on his dismissal, on the 1st of April 1837.

— No. 42. —

No. 42.

Earl of Gosford to
Lord Glenelg,
21 October 1837.

COPY of a DESPATCH from the Earl of *Gosford* to Lord *Glenelg*.

My Lord,

Castle of St. Lewis, Quebec, 21 October 1837.

WITH reference to my communication of the 12th instant, I have now the honour to acquaint you, that on the 18th, the day on which Messrs. Debartzch, Quesnel, and Sheppard were sworn in as executive councillors, (Messrs. Pemberton and Panet having previously taken the oaths of office,) I brought before the new council, consisting of Messrs. Jno. Stewart, H. Heney, G. Pemberton, L. Panet, and the three members above named, the present state of the province; and for the purpose of more distinctly eliciting their opinions, I submitted for their consideration and advice the several points contained in the Minute, of which a copy is enclosed. On the evening of the 19th, the council furnished me with the result of their deliberations; but as there appeared to me to be some inconsistency in that part of their recommendations respecting the suspension of the Constitutional Act, I placed before them on the 20th certain other questions, which your Lordship will find in Enclosure, No. 3, and which produced the further report, a copy of which is herewith transmitted.

Enclosure No. 1.

Enclosure No. 2.
20 Oct. 1837.

Enclosure No. 3.

Enclosure No. 4.
21 Oct. 1837.

These reports corroborate the views and opinions I expressed in the despatch to which I have above referred your Lordship, and I need not now enter into a consideration of their contents. The documents speak for themselves, and will put you in possession of the deliberate and unanimous conviction of men of different origins and of various shades of political opinions, deeply interested in the prosperity and welfare of the country, and possessing an intimate knowledge of past and passing events, and the state and feelings of parties at the present moment, and the majority of whom are too fresh in office to have had their judgments warped by continued official contact with executive views and influences.

I shall only add, that as far as the recommendations of the Council depend for their execution upon the action of the local Government, I shall, using all prudence and caution, endeavour to give to them effect without any unnecessary delay. I have accordingly written to Sir John Colborne, to consult with him as to the practicability and expediency of increasing the military force here by drafts, if they can be spared, from the Lower Provinces; and I propose to make additions to the existing commissions of the peace, and to appoint one or two stipendiary magistrates as soon as I can select fit and qualified persons for the duty.

With respect to the recommendation for enforcing the oath of allegiance on all Her Majesty's Canadian subjects, as a test of their political principles, and of adopting coercive measures against aliens, I must take some further time for consideration on these points.

I have, &c.
(signed) *Gosford*.

Enclosures in No. 42.

(No. 1.)

Enclosures in
No. 42.

POINTS on which the Governor-in-Chief would wish to receive the Opinion and Advice of the Executive Council.

1. AFTER the reiterated but fruitless efforts made by the present Administration for the last two years, efforts founded on a conciliating and impartial policy, can it be expected that, without further intervention of the Imperial Parliament, it is still practicable to re-establish that equilibrium between the components parts of the constitution which it was intended they should possess?

2. Should the intervention of the Imperial Parliament become absolutely necessary, as the only means, in the present state of the province, of restoring peace and tranquillity, will not, in consequence of the Assembly having during the two last sessions refused to assist in legislation, the suspension of the Constitutional Act and the Habeas Corpus Act be the mildest and the most efficacious measures for arresting the agitation that now distracts the country and threatens to destroy its established institutions?

3. Is

3. Is it advisable, while waiting for the opinion and action of Her Majesty's Government in England upon the result of our present deliberations, that the Executive Government should take steps to avail itself, if possible, of the presence here of a larger military force, in order, on the one hand, to discourage and restrain the efforts and designs of the seditious, and on the other, to encourage and give confidence to the well-disposed, and to the friends of order and tranquillity?

4. Does the Council think that the provincial Legislature would, in the present state of the country, be disposed to place in the hands of the Executive the necessary means for maintaining order, and that the present system of judicature is sufficient to bring to punishment those guilty of political offences?

5. Does the Council think that the commission of the peace, as at present composed, and under existing circumstances, answers the ends for which it is designed?

No. 42.

Earl of Gosford to
Lord Glenelg,
21 October 1837.

Enclosures in
No. 42.

(No. 2.)

To his Excellency the Earl of *Gosford*, Captain General and Governor-in-Chief of the Province of Lower Canada, &c. &c. &c.

REPORT of a Committee of the whole Council, present, the Honourables Mr. Stewart, Mr. Heney, Mr. Pemberton, Mr. Panet, Mr. Debartzch, Mr. Quesnel, and Mr. Sheppard, on your Excellency's reference in Council of 19th instant.

May it please your Excellency,

THE committee have considered, with great attention, your Excellency's reference in Council, and having obtained information from the Attorney-general on some of the points referred, beg leave to submit the following report:

On the first point, the committee are humbly of opinion that there is no hope, under existing circumstances, to re-establish the equilibrium between the component parts of the constitution without the intervention of the Imperial Parliament.

With respect to that part of the second point which relates to the suspension of the Habeas Corpus Act, the committee have no hesitation in recommending that the Executive Government may be invested with the power of suspending the same when such shall be deemed necessary, and in the opinion of the committee this is one of the mildest means of strengthening its hands; but, as regards the suspension of the Constitutional Act, 31 Geo. 3, c. 31, the committee are not prepared to recommend its immediate adoption, although during the virtual abolition of that Act by the declaration of the House of Assembly that they would not proceed to the dispatch of the public business, until the Legislative Council was made elective, it becomes absolutely necessary that the Executive Government should be made independent of the House of Assembly, and enabled to carry on the government of the province without the assistance of the legislative body, until such time as the tranquillity of the country shall be re-established, and the public mind, now agitated and deceived by factious and designing men, shall be disabused and restored to a healthy state.

On the third point, the committee would advise that the Executive Government avail itself of the military force within its power, by a judicious disposition of the same in the first instance, and of their services afterwards, in case of necessity. The presence of a sufficient number of troops would essentially tend to discourage and restrain the seditious, while it would inspire confidence in the loyal and well-disposed portion of Her Majesty's subjects.

On the fourth point, the committee see no reason to suppose that the Legislature if called together would place in the hands of the Executive Government means of maintaining order, and that in the present feelings of the people, more especially in the district of Montreal, it would be difficult to procure a conviction for political offences in the ordinary course of law.

On the fifth and last point, the committee are of opinion that the commission of the peace is inefficient, inasmuch as several parts of the country are without magistrates, and that in the towns there is a general want of that activity which is necessary to meet the emergency of the times. The committee would therefore suggest the expediency of establishing a police office in each of the cities of Quebec and Montreal, and town of Three Rivers, to consist of a stipendiary magistrate, qualified according to the existing law, with a requisite number of peace officers, which, in the opinion of the committee, would, with proper vigilance, greatly tend to the apprehension of all disturbers of the peace, and thereby insure more tranquillity in the different districts.

Before concluding their report, the committee would respectfully call your Excellency's attention to the expediency of an inquiry respecting aliens resident in the province, especially those that may be engaged in seditious practices, and whether it may not be advisable to call upon all suspected persons, or to enjoin Her Majesty's subjects generally to take the oath of allegiance as a test of their political principles; and the committee humbly recommend that the Crown officers of the law and the magistrates should be supported and encouraged in the execution of their respective duties, and that every means should be afforded to them for the more ready apprehension of offenders against the peace of Her Majesty's Government.

All which is respectfully submitted to your Excellency's wisdom.

(By order.)

(signed) J. Stewart, Chairman.

Council Chambers, 20 October 1837.

No. 42.

Earl of Gosford to
Lord Glenelg,
21 October 1837.

—
Enclosures in
No. 42.

(Extract.)

(No. 3.)

THE Council having yesterday reported to the Governor-in-Chief that they are not prepared to recommend the immediate suspension of the Constitutional Act, but having given it as their opinion that during the virtual abolition of that Act by the declaration of the House of Assembly, that they would not proceed to the dispatch of public business till the Legislative Council was made elective, it becomes absolutely necessary that the Executive Government should be made independent of the House of Assembly, and be enabled to carry on the Government without the assistance of the legislative body until the tranquillity of the country be re-established :

The Governor-in-Chief is desirous of learning from the Council in what manner, and by what means, the Executive Government could, under the existing constitution, be made independent of the House of Assembly, and be enabled to carry on the Government without the assistance of the Legislature.

(No. 4.)

To his Excellency the Earl of *Gosford*, Captain-general and Governor-in-Chief of the Province of Lower Canada, &c. &c. &c.

Report of a Committee of the whole Council; present, the honourables Mr. Stewart, Mr. Heney, Mr. Pemberton, Mr. Panet, Mr. Debartzch, Mr. Quesnel, and Mr. Shepard on your Excellency's Order of Reference in Council this day.

May it please your Excellency,

THE [committee having re-considered their report of yesterday, with reference to the papers referred therewith by your Excellency this day in Council, beg leave to state, in explanation, that although they cannot recommend a total suspension of the Constitutional Act, they would respectfully suggest that it is advisable to suspend for a limited time such parts thereof as relate to the calling and meeting of the Provincial Parliament, and that, in the interim, the Local Government should be authorized to revive such laws as it may deem necessary, and which may have expired within the last two years, and to continue those that may hereafter expire.

The committee would further recommend the repeal of the Imperial Act of the 1st and 2d Will. 4, c. in order to enable the executive to defray the expenses of the civil government, and of the administration of justice.

Under the actual circumstances of the province the committee consider it inexpedient to suggest any further alterations in the Constitutional Act.

All which is respectfully submitted to your Excellency's wisdom.

(By order,)

(signed) *J. Stewart,*
Chairman.

Council Chambers, 21 October 1837.

— No. 43. —

No. 43.

Earl of Gosford to
Lord Glenelg,
30 October 1837.

Copy of a DESPATCH from the Earl of *Gosford* to Lord *Glenelg*.

(No. 113.)

My Lord,

Castle of St. Lewis, Quebec, 30 October 1837.

I LOSE no time in transmitting, for your information, the first detailed account of what passed at the meeting of the Six Counties, as it is called, that took place at St. Charles, in the county of Richelieu, on the 23d instant, as reported in the enclosed copy of the *Vindicator* newspaper, which reached me to day. Your Lordship will perceive that 13 resolutions were adopted, which I need not stop to characterize. They will show the views of the leaders of this party, and to what lengths they profess themselves ready to go; but I believe they will not succeed in persuading the mass of their countrymen to follow and actively support them. Mr. Papineau, and several of his principal abettors, were present, and made violent speeches; Mr. Malhiot, the legislative councillor, was also there for the purpose, I understand, of opposing some of the resolutions. There are various reports as to the numbers who attended the meeting; the organs of the agitators represent them at about 5,000, including nearly 100 armed men, but other public prints state them at under 1,000; and from the accounts that have

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have reached me from private individuals who were present on the occasion, 1,500 would seem to be a very liberal allowance. I understand that there were about 60 men who had fire-arms, and that there was a small piece of cannon on the ground, a four-pounder, which, with the small arms, was occasionally discharged. I also enclose a copy of the Quebec Gazette, containing a report of the proceedings, resolutions, and speeches of a meeting of the Constitutionalists, which took place on the same day in the city of Montreal. Here too there is a difference of statement respecting the number present, one party making it as great and the other as small as possible. I should be inclined to think that about 4,000 would approximate to the truth.

I likewise forward a document of much importance in the present state of affairs, and which I hope will produce very beneficial results. This is a pastoral letter which the recently appointed Roman-catholic Bishop of Montreal has addressed to the clergy of his diocese, and which I understand was to be publicly read yesterday in the several churches throughout the district of Montreal.

With religion, law, and the loyalty of the great bulk of the population opposed to them, the party now fomenting sedition and treason, although they may, if not checked, create local and temporary confusion, are not likely to meet with the success which, from the boldness of their proceedings, they seem to anticipate. Their great strength lies in activity, and the artful and unscrupulous misrepresentations with which they delude and excite their more ignorant countrymen; and it is evident that one of the main objects of all the recent meetings and proceedings is to produce an effect in England, and to intimidate, as they hope, the imperial and local authorities.

I have, &c.
(signed) Gosford.

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(No. 1.)

From the Vindicator, 27 Oct. 1837.

THE following is a copy of the proceedings of the Six Counties up to the evening of Monday the 23d instant.

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Preparatory Proceedings.

At a preliminary meeting of the delegates, holden at Ducharme's Hotel, at the village of St. Charles, on the 22d instant, for the purpose of preparing resolutions to be presented to the meeting of the counties of St. Hyacinthe, Richelieu, Rouville, Verchères and Chambly, to be holden on the morrow, in the said village.

On motion of E. Cartier, esq., seconded by Jos. Vincent, esq., it was resolved,

That a committee of 26, of which five shall be a quorum, be now named, to prepare resolutions to be proposed to the meeting of the Five Counties on to-morrow; that the said committee do sit at half-past five o'clock P. M., and that it be composed of the following gentlemen: L. C. Duvert, Boucher-Belleville, J. B. C. Durocher, S. Marchesseau, Dr. Consigny, R. Boileau, Jos. Vincent, X. Tetreau, B. Chagnon, M. Guertin, A. Girod, J. T. Drolet, Jos. Jeannot, J. B. Bougret, C. Cartier, H. Cartier, J. Jacques, M. Levêque, Capt. Freniere, Capt. Robitaille, Capt. Brodeur, F. Hebert, Jos. Benoit, Jos. Dyon, Dr. Duvert, A. Ducharme, and that the Hon. L. J. Papineau, E. B. O'Callaghan, G. Cartier, R. Hubert, and the representatives of the Five Counties, be members of the said committee.

On motion of R. Boileau, esq., seconded by Mr. S. Marchesseau,

Resolved, That the said Committee do report to the delegates of the several parishes of the Five Counties on to-morrow at 10 o'clock P. M. Adjourned.

St. Charles, 23d October, 10 o'clock, P. M.

The delegates having assembled according to adjournment, at Ducharme's Hotel, the committee named yesterday to prepare resolutions, submitted the same. They were unanimously received, and the meeting adjourned at noon to the meadow belonging to Dr. Duvert, on the bank of the River Chambly.

Proceedings of the General Meeting.

Twelve o'Clock.

At a general meeting of the Five Counties of Richelieu, St. Hyacinthe, Rouville, Chambly, and Verchères, duly convoked and holden at St. Charles, on Monday, 23d October 1837,

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Wolfred Nelson, esq., of St. Denis, in the chair, F. C. Duvert, esq., of St. Charles, and Jos. T. Drolet, esq., of St. Marc, M. P. P., vice-presidents; Messrs. Girod, of Varennes, and J. P. Boucher-Belleville, of St. Charles, secretaries.

A deputation from the county of L'Acadie, presided by C. H. O. Cote, esq., M. P. P., came forward, and laid before the meeting certain documents, praying that the said county be admitted into the confederation of the Five Counties; and the same being read, are as follows:

Committee of Vigilance.

St. Cyprian, 15 October 1837.

Resolved, 8. That the county of L'Acadie, by its geographical position, ought to be united with the five counties of Chambly, Verchères, Richelieu, St. Hyacinthe, and Rouville, and that a memorial to that effect be presented from this county to the president of the meeting of the Five Counties, to be holden on the 23d instant, at the village of St. Charles.

Resolved, 9. That C. H. O. Cote, C. Huot, and J. B. Lukin, esqrs., draft the said memorial, and transmit the same, duly signed, to the president at the meeting of the Five Counties above-mentioned.

Resolved, 10. That M. Hotchkiss, C. H. O. Cote, A. Merizzi, J. Bouchard, C. Roy, J. B. Dozois, J. B. Hebert, F. Trepannier, Frs. Ranger, C. Hebert, F. Bigonnesse, J. B. Paradis, senior, and C. Lucier, represent the county of L'Acadie at the said meeting of the Five Counties, and present from this county the address which shall be prepared by the before-mentioned committee.

(A true Extract.)

L. Lachapelle, Secretary.

The following is a copy of the

ADDRESS

To the Electors of the Counties of *Richelieu, Verchères, St. Hyacinthe, Chambly, and Rouville.*

Fellow Citizens:—You meet together at a time of extraordinary moment, to proclaim your rights, to lessen the tyranny of a government for ever odious to every good patriot of Canada. How noble is the example which you this day give! How strong is the admiration of your fellow-citizens! Doubt not posterity will remember your civic virtues. The country once disembarassed of the burden which now oppresses it, will celebrate with pomp and gratitude the anniversary of this happy day whereupon you all assemble to deliberate on your most sacred interests.

For us, fellow-citizens, after offering to the Eternal our fervent prayers for the sacred cause of our common country, we are prepared to sacrifice everything most dear to us in the world, to emancipate from a vile slavery the land which gave us birth, which now supports us, which contains our families, our property, and the ashes of our fathers, and which is destined by nature to receive our mortal remains when we cease to live.

Empowered by the electors of the county of L'Acadie to address you, we cannot allow this splendid opportunity to pass without doing you the justice to which you are entitled. Your pure and independent patriotism has been our admiration, and we joyfully declare here that the most of our proceedings have sprung from the fine example which one of your counties (Richelieu), has never ceased to give to the whole province, in the struggle which rages in this country between haughty aristocracy and invincible democracy.

The mass of the people of this province repudiate the former, to enrol themselves altogether under the flag of the latter. Sprung as we are from that people whose rights we cherish, living among our countrymen whose sole desire is happiness and equality for all, feeling the most profound disgust for all that tends towards aristocracy, whose sole motive appears to be the oppression of the greater for the advantage of the smaller number, we entertain no other principles than those of the purest democracy. In vain does the corrupt aristocracy of England desire to establish its dominion in the Canadas. The people will never consent thereto. Their cry shall ever be for freedom, the bread of life, and against despotism, the food of vile slaves. The people are made to dominate and not to be dragooned. Their voice should be heard; their will consulted; their laws respected; and their orders obeyed.

The shameful and degrading system which the metropolitan state has constantly pursued in respect to us, deprives us of all hope of justice. Its recent injustice in rifling our public treasure, demonstrates that we are no longer safe in this colony. Fellow citizens! if our lives have not yet been openly attacked, it is because our geographical position keeps our enemies in check. Unfortunate Ireland, rich by nature, impoverished by the iron yoke which now oppresses her, is a striking example of what our cowardly enemies would dare do, if they feared not the neighbourhood of a republic jealous of the rights of man.

Let us then rally, from one extremity of the province to the other. Let us prove to the world that we are men who deserve to be independent. Let us make our enemies feel that if they have no respect for the justice of our complaints, one means still is within our reach, to oblige them to pause in their iniquitous projects.

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The noble example, fellow citizens, which you have given, by uniting into one confederation your five counties, has suggested to the electors of the county of L'Acadie the propriety of soliciting the admission of their county into that confederation, and such is the honour which we now demand at your hands. Authorized to make this demand in the name of the electors of that county, we would remark that the geographical position of the county which we represent requires its adhesion to yours. Forget not the patriotism of the inhabitants of that county. Shamefully deceived at a first election, they since nobly vindicated themselves by a second choice. They also have had their share of the vindictive persecutions of a Governor too weak and incapable to hold the reins of the government of this province. His ill-timed and imbecile proclamation has everywhere excited the contempt of honest men. Our brothers, the working men of London, could not suppress an expression of pity on the perusal of that puling document destined to tarnish the reputation of honest men venerated by the country. Those unjust and arbitrary persecutions have had the effect in this part of the district to stimulate the lukewarm; to increase twofold the activity of zealous patriots, and to cover the provincial government with the most profound contempt, as Lord John Russell's iniquitous resolutions had already done the Metropolitan Government.

Brothers, in this critical period, so important for the future fate of our common country, we the deputies of the county of L'Acadie again demand admission into your confederation. The electors of our county shall never be surpassed in patriotism by any others; on the contrary, they will ever have before their eyes the motto of the worthy and brave Sons of Liberty—"Forward!"

Permit us, in conclusion, to observe, that as every corps has its chieftain, no person seems to us better qualified to conduct the patriotic phalanx than he who has passed his entire life in the talented defence of our rights and liberties, L. J. Papineau. Under his guidance, behind his buckler, the country will rise from the slough into which it has been plunged by a despotic government. Waiting for the day when the new star of Canada's happiness will arise, we offer our sincere wishes that prosperity may attend the holy work we have undertaken.

We are, fellow citizens, your brother democrats.

County of L'Acadie,
this 21st day of October 1837.

(signed) C. H. O. Cote.
C. Huot.
J. B. Lukin.

Wherefore it was resolved, on motion of Mr. Simeon Marchesseau, of St. Charles, seconded by Dr. Duchesnois.

That the citizens, electors of the Five Counties, admit with pleasure into their confederation their brave fellow-citizens of the county of L'Acadie.

Ordered, That the address from the county of L'Acadie, presented to this meeting, be entered at length on the minutes of this meeting.

Ordered, That the apologies from Majors J. Bertrand and Constant Cartier, esq., sen., of the parish of St. Margaret, of Blairfindie, for not being able to attend as delegates to this meeting on account of illness, be inserted on the minutes.

On motion of Mr. A. Girod, seconded by F. C. Duvert, esq.,

Resolved, That the counties of Laprairie and of Missisquoi be invited to join the confederation of these Six Counties, being, by their geographical position, destined to form part of the same, such counties participating the same political opinions and the same patriotic principles as these counties profess.

Resolutions on the State of the Province.

On motion of Wolfred Nelson, esq., of St. Denis, seconded by Dr. Davignon, of St. Marie,

Resolved, 1. That, in accordance with the example of the wise men and heroes of 1776, we hold as self evident and repeat the following truths: That all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among the number of these rights are life, liberty, and the pursuit of happiness; that it is for the protection and security of these rights that governments were instituted among men, deriving their just authority only from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, or to institute a new government, laying its foundation on such principles, and organizing its powers after such form, as to them shall seem best adapted to secure their safety and happiness.

On motion of René Boileau, esq., of Chambly, seconded by Captain Vincent, of Longueuil,

Resolved, 2. That the authority of Great Britain over the Canadas cannot and should not continue, except by the goodwill of their inhabitants, and cannot rest on brute force, which confers no rights, but gives an unjust power, which can exist only until the day of successful resistance; that the people have, *à fortiori*, the right to demand and to obtain, as a condition of their voluntary allegiance, such changes and improvements in the form of their government as their wants, the progress of their country since 1791, and their present condition, render necessary for their contentment and well-being.

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On motion of Louis Marchand, esq., of St. Mathias, seconded by Mr. Jean Marie Tetreau, of St. Hilaire,

Resolved, 3. That the arbitrary dismissals from office, ordered by the Governor-in-Chief during the last three months, and which have not yet ceased, but still daily continue, against a number of justices of the peace, officers of militia, and commissioners for the summary trial of small causes throughout the parishes, for having taken a part in the proceedings of county meetings holden by the people for the vindication of their invaded rights, proves, to a demonstration, that his Excellency unworthily abuses the prerogative of the Crown, with a view to remove from such offices those who, having filled them with integrity and independence, had obtained for themselves the esteem and confidence of the public, and for the law the respect and attachment of the people, in order to replace them by servile instruments, disposed to favour his violent policy, even under the weight of the universal contempt of their fellow-citizens.

On motion of L. Lacoste, esq., of Longueuil, M. P. P., seconded by Thimothée Franchère, of St. Mathias,

Resolved, 4. That it is of urgent necessity, under such lamentable circumstances, to replace the individuals whom an administration inimical to the country will name to those offices, by men worthy of confidence; that all the parishes of the Six Counties are hereby invited simultaneously to elect, between the first day of December and the first day of January next, pacificator justices of the peace and officers of militia; and that the regulations of the county of Two Mountains be provisionally adopted for their direction and jurisdiction.

On motion of J. T. Drolet, esq., of St. Marc, M. P. P., seconded by Dr. Duchesnois, of Varennes,

Resolved, 5. That under the penalties laid down in the said regulations, and under the more powerful bonds of honour, the reformers of the Six Counties will at the same time obey and assist to the utmost the officers by them so chosen; they will systematically oppose such officers as shall be named by Lord Gosford, from this day to the day of his departure from the province, refusing their confidence to them, lending them no cordial aid, obeying their orders only in such cases as they cannot dispense with doing so without a manifest violation of the laws; and subscribing funds to prosecute and punish them in all cases where they render themselves guilty of an abuse of power.

On motion of Dr. Duvert, of St. Charles, seconded by Dr. Allard, of Belœil,

Resolved, 6. That the Inhabitants of the Six Counties of right expected that the province would not be continually deprived of the benefits of a local legislature; that the Legislative Council would be improved in such a manner as to secure its co-operation with the representative branch of the Legislature, and its respect for the wants and wishes of the mass of the people; that so far from these just expectations having been realized, a number of persons have lately been called to sit in that Council who, with scarce an exception, not only do not enjoy public confidence, but have rendered themselves in every respect unworthy thereof, and who by their conduct and public opinions have rendered themselves odious to the country.

On motion of P. Amiot, esq., of Verchères, M. P. P., seconded by Capt. Bonin, of St. Ours,

Resolved, 7. That this meeting declares that the late nominations to the Executive Council of this province are equally unworthy of public confidence with those to the Legislative Council; that they are the more scandalous, inasmuch as they continue pluralities in office, one of the abuses which Lord Gosford had himself denounced, both as Governor-in-Chief and Royal Commissioner, and as they confide to the same hands legislative, executive, and judiciary powers.

On motion of François Papineau, esq., of St. Césaire, seconded by Lieutenant Bonaventure Viger, of Boucherville,

Resolved, 8. That this meeting sees in these different nominations, nothing else but the continuation of the old system of fraud and deception, which has at length uprooted all feeling of confidence both in the metropolitan and colonial governments, and in the Legislative Council as at present constituted; another proof of inveterate hostility to the repeated demands of the country; an obstinate and tyrannical determination, on the part of Her Majesty's Government, to protect and perpetuate the abuses and grievances of which a people, already too patient, have complained.

On motion of Mr. Jean Cormier, of Contrecoeur, seconded by Mr. Glem. Gosselin, of St. Hilaire,

Resolved, 9. That the divers abuses and grievances under which this colony has for a long series of years complained, have been so often detailed by the representatives of the people, and admitted by Her Majesty's Government and the British Parliament, that it is now useless to recapitulate them here, inasmuch as they have been lately denounced by the people themselves in their respective county meetings, and the remedial measures therefor proposed, on all and each of which these Six Counties do insist anew.

On motion of Ls. Blanchard, esq., of St. Hyacinthe, M. P. P., seconded by Mr. Jos. Sené, of St. Damase,

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Resolved, 10. That instead of honestly redressing the said grievances and abuses, as in duty bound, the British Government and the two Houses of Imperial Parliament have threatened, and intend to annihilate the fundamental rights of this colony; in order to force the people into a base and abject submission to the oppressions which are preparing for them, recourse is had to the same system of coercion and terrorism which has already disgraced the history of British rule in Ireland; magistrates and militia officers, enjoying the confidence of their fellow-citizens, are insolently deprived of office, because they love their country too well to sanction an unconstitutional aggression, or to permit her liberties to be violated with impunity; and as a climax to our misfortunes, the present Governor-in-chief has recently introduced, in time of profound peace, a large body of armed troops into this province, to destroy, by physical force, all constitutional resistance, and to complete, by desolation and death, the work of tyranny already determined upon and authorized beyond the seas.

On motion of Mr. Laurent Bedard, of St. Simon, seconded by Isaie Boudreau, esq., of St. Marie.

Resolved, 11. That holding Lord Gosford guilty of an atrocious aggression against our liberties by the introduction of such armed force amongst us, and counting on the sympathy of our neighbours, the zealous co-operation of our brother reformers of Upper Canada, and on Providence, for a favourable opportunity of emancipating ourselves from the oppressive system under which we suffer, we declare that, commiserating the unhappy lot of the soldiers which our enemies desire to convert into the vile instruments of our slavery, and their own dishonour, the people of these counties will throw no obstacle in the way of the men belonging to the regiments stationed in this district, should they desire to improve their condition by emigrating to the neighbouring republic, especially as we have strong reason to believe that a number of those soldiers are waiting only for an opportunity to get rid of their present onerous and irksome profession.

On motion of Come Cartier, esq., of St. Antoine, seconded by Mr. Simeon Marchesseau, of St. Charles,

Resolved, 12. That this meeting approves of the organization of the political association entitled "The Sons of Liberty," and recommends the young men of these counties to organize themselves in the same manner, to form, in their respective parishes, branch societies of "The Sons of Liberty," and to maintain an active correspondence and frequent communication with "The Sons of Liberty," in Montreal, and to adopt the same systematic organization, so as to be prepared to support each other with promptitude and effect, should circumstances require them to protect and defend their threatened liberties.

On motion of Dr. Dorion, esq., of St. Ours, M. P. P., seconded by Mr. Eust. Gretton, of St. Marie,

Resolved, 13. That the delegates named by the different parishes of the Five Counties are requested to meet anew at this place to-morrow, at two o'clock in the afternoon, to consider such propositions as may be submitted to them.

Thanks having been voted to the chairman and other officers of the meeting, the assembly adjourned, after having given three cheers for Papineau, three cheers for Dr. Wfd. Nelson, and three cheers for the reformers of Upper Canada.

(signed) Wfd. Nelson, President.
J. T. Drolet, } Vice Presidents.
F. C. Duvert, }
A. Girard, } Secretaries.
J. P. Boucher-Belleville, }

End of the first day's proceedings.

(No. 2.)

Loyal Meeting at Montreal.

From the *Montreal Herald* of the 26th October.

Monday, 23d October 1837.

At one o'clock the meeting was organized, when Samuel Gerard, esq., proposed, and George Auldjo, esq., seconded, the nomination of the Hon. Peter M'Gill as chairman, which was carried by acclamation.

The first resolution was moved by W. Ritchie, esq., and seconded by John Jones, sen., esq., as follows:

Resolved, 1.—That all citizens have an equal right to the protection of the Government, which consists not merely in the suppression and punishment of disorder, but in the employment of adequate means to anticipate and prevent the commission of those crimes with which the

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the social state may be threatened ; and that by the machinations of a disorganizing and revolutionary faction in this province, acting partly by means of the turbulence and excitement of public meetings, at which the most unfounded and inflammatory speeches are delivered, and partly through the medium of a licentious press, which inundates the province with slander and sedition, public feeling has been excited, the foundations of social and moral order have been shaken, the Government has been brought into contempt, and the connexion between this province and the mother country attempted to be destroyed.

The second resolution was proposed and seconded, with a few preliminary observations, by George Auldjo, esq., and H. L. Routh, esq. B. A. C., as follows :

Resolved, 2.—That this meeting has seen with alarm that the prerogative of the Crown has been deliberately perverted by the appointment to offices of trust and responsibility of advocates of sedition and of enemies of the existing constitution of the province, and that the present excited state of public feeling has been promoted and encouraged by the injudicious and ineffectual attempts at conciliation of the Government.

The third resolution was moved by Henry Griffin, esq., and seconded by Charles Penner, esq., as follows :

Resolved, 3.—That as isolated individual exertion would be utterly inadequate to cope with all the evil energies now arrayed against public order and the public peace, and as those evils cannot be effectually prevented without the active, zealous and persevering co-operation of every good subject, which co-operation to be effectual must be the result of a regular and systematic union of individuals, this meeting considers it expedient that the loyal and well-disposed part of the community do form themselves into associations within their respective wards, for the purpose of organization and general concert in case of emergency or necessity ; that the several associations do appoint their respective committees from among their resident members, to whom the local organization and management shall be entrusted, and that a sub-committee, consisting of two members from each ward committee, shall assemble to concert a general system of measures to be pursued in case of urban disturbance.

The fourth resolution was moved and seconded by John M. Tobin, esq., and James Logan, esq., as follows :

Resolved, 4.—That this meeting is persuaded that there exists no substantial cause for apprehension of a successful rebellion against the British Government, by the mass of our fellow-subjects of French origin, though the utmost activity and perseverance are employed to create disorder and sedition amongst them ; but feeling that to guard against the pernicious influence of that activity and perseverance, and to arrest it, is the bounden duty of every good subject, this meeting calls upon their fellow-subjects throughout the province to organise themselves into local associations, as the most effectual means for the security of good order, the protection of life and property, and the maintenance of the connexion happily existing between this province and the British Empire.

James Holmes, esq., then moved the fifth resolution, which was seconded by Robert Armour, sen. esq., as follows :

Resolved, 5.—That this meeting seizes this present opportunity of declaring its opposition to the application of the elective principle to the Legislative Council of this Province, and of reiterating the claims of the inhabitants of Lower Canada of British origin to the abolition of the feudal tenure, and the establishment of an efficient system of registration for mortgages, the want of which has not only retarded the settlement and improvement of the province, but has rendered it conspicuous for its backward condition in comparison with our sister province.

Mr. M'Ginn moved the sixth and last resolution.

Resolved, 6.—That the Irish inhabitants of this city do hereby express their unqualified abhorrence of the low and base attempts that are making to draw them over to the revolutionary party, whose designs they consider inimical to all good government and to the safety and well-being of this province, and at the same time their readiness, should it ever be necessary, to repel by force those whose every action bespeaks them the enemies alike of themselves and their countrymen in general.

(No. 3.)

JEAN JACQUES LARTIGUE, Premier Evêque de Montréal, etc., au Clergé et à tous les Fidèles de Notre Diocèse, salut et bénédiction en Notre Seigneur.

Depuis longtemps, Nos Très Chers Frères, nous n'entendons parler que d'agitation, de révolte même, dans un Pays toujours renommé jusqu'à présent par sa loyauté, son esprit de paix, et son amour pour la religion de ses pères. On voit partout les frères s'élever contre leurs frères, les amis contre leurs amis, les citoyens contre leurs concitoyens ; et la discorde, d'un bout à l'autre de ce diocèse, semble avoir brisé les liens de la charité qui unissoient entre eux les Membres d'un même corps, les enfants d'une même église, du Catholicisme qui est une religion d'unité. Dans des conjonctures aussi graves, notre seul parti ne peut être sans doute que de nous en tenir, je ne dis pas à l'opinion que nous, et nos fidèles coopérateurs
dans

dans le saint ministère, aurions droit cependant d'émettre comme citoyens aussi bien que les autres, mais à l'obligation stricte que nous impose l'Apôtre des nations lorsqu'il disoit : Malheur à moi si je ne prêche pas l'Evangile ; car la nécessité m'y oblige, *necessitas enim mihi incumbit*. Non, N. F. C. F. aucun de vous n'ignore que les devoirs des divers membres du corps social, aussi bien que ceux de la famille, appartiennent essentiellement à la morale Chrétienne ; que cette morale divine fait partie du dépôt sacré de la foi, qui nous a été transmis par le canal très pur de l'Ecriture et de la tradition ; et que nous sommes tenus de vous le transmettre aussi fidèlement en notre qualité de successeur des Apôtres.

Nous ne saurions d'ailleurs vous être suspect sous aucun rapport : comme chez vous, le sang Canadien coule dans nos veines : nous avons souvent donné des preuves de l'amour que nous avons pour notre chère et commune patrie ; et ainsi que l'Apôtre, nous pourrions prendre Dieu à témoin que nous vous chérissons tous dans les entrailles de Jésus-Christ ; vous savez enfin que nous n'avons jamais rien reçu du gouvernement civil, comme nous n'en attendons rien, que la justice due à tous les sujets Britanniques ; et nous rendons témoignage à la vérité, quand nous attestons solennellement que nous vous parlons ici de notre propre mouvement, sans aucune impulsion étrangère, mais seulement par un motif de conscience.

Encore une fois, N. F. C. F. Nous ne vous donnerons pas notre sentiment, comme citoyen, sur cette question purement politique, qui a droit ou tort entre les diverses branches du pouvoir souverain ; (ce sont de ces choses que Dieu a laissées aux disputes des hommes,) *mundum tradidit disputationi eorum* : mais la question morale, savoir quels sont les devoirs d'un Catholique à l'égard de la puissance civile, établie et constituée dans chaque état, cette question religieuse, dis-je, étant de notre ressort et de notre compétence, c'est à votre eveque à vous donner sans doute toute instruction nécessaire sur cette matière, et à vous de l'écouter ; car, dit le célèbre Laménais, les évêques étant chargés par l'Esprit Saint de gouverner, sous la conduite du Souverain Pontife, l'Eglise de Dieu, nous faisons profession de croire qu'en tout ce qui tient à l'administration spirituelle de chaque diocèse, prêtres et laïcs doivent fidèlement obéir aux ordres de l'évêque institué par le Pape.

Voici donc ce que vous enseignent là-dessus les divines Ecritures. "Que tout le monde, dit St. Paul aux Romains, soit soumis aux puissances supérieures : car il n'y a point de puissance qui ne vienne de Dieu ; et c'est lui qui a établi toutes celles qui existent. Celui donc qui s'oppose aux puissances, résiste à l'ordre de Dieu ; et ceux qui y résistent, acquièrent pour eux-mêmes la damnation. Le prince est le ministre de Dieu pour procurer le bien ; et comme ce n'est pas en vain qu'il porte le glaive, il est aussi son ministre pour punir le mal. Il vous est donc nécessaire de lui être soumis, non seulement par crainte du châtement, mais aussi par un devoir de conscience. Soyez donc soumis, ajoute St. Pierre le chef des Apôtres, à toutes sortes de personnes par rapport à Dieu, soit au Roi, comme étant audessus des autres, soit aux chefs qu'il vous envoie pour punir les méchants et louer les bons ; car telle est la volonté de Dieu. Etant libres, ne vous servez pas de cette liberté comme d'un voile pour couvrir de mauvaises actions ; mais (agissez) comme des serviteurs de Dieu. Rendez honneur à tous, aimez vos frères, craignez Dieu, honorez le Roi. Serviteurs, soyez soumis et respectueux envers vos Maîtres, non seulement à l'égard de ceux qui sont bons et doux, mais aussi envers ceux qui sont bizarres et fâcheux ; car c'est un effet de la grâce, si en vue de Dieu, l'on souffre avec patience d'injustes traitements."

Voilà, N. T. C. F., les oracles de l'Esprit Saint, tels que nous les trouvons dans la Sainte Bible ; voilà la doctrine de Jésus-Christ, telle que les Apôtres Pierre et Paul l'avaient apprise de la propre bouche de leur divin Maître. Mais quelque claires que soient par elles-mêmes ces paroles de vérité, un Chrétien n'interprète jamais la parole de Dieu par son esprit privé : il sait que c'est un dogme fondamental de sa foi que, comme l'assure St. Pierre, les Saintes Ecritures ne doivent pas être entendues selon le sens particulier de chacun : et qu'il n'appartient qu'à l'Eglise Catholique, notre mère, de nous en donner l'intelligence, selon cette sentence de J. C. dans l'Evangile : celui qui n'écoute pas l'Eglise, regardez-le comme en payen et un publicain, *sit tibi sicut ethnicus et publicanus*. Or, le Pape actuel, Grégoire XVI., du haut de sa chaire pontificale, s'est expliqué sur ces textes de l'Ecriture : il a interprété, à la suite des Sts. Pères, et d'après la tradition perpétuelle de l'Eglise depuis son établissement jusqu'à nos jours, ces passages des livres saints que nous vous avons cités ; et il en a dicté le vrai sens à l'univers Chrétien, dans son Encyclique du 15 Août 1832, qu'il adressa aux évêques du monde entier au commencement de son pontificat. Pas un seul évêque depuis cette époque n'a réclamé contre la doctrine de cette lettre, en sorte qu'elle a reçu l'assentiment, du moins tacite, de toute l'Eglise enseignante, et qu'on doit la regarder conséquemment comme une décision dogmatique.

"Comme nous avons appris, dit le St. Père, (car ici, ce n'est pas notre parole que vous allez entendre ; c'est celle du Vicaire de J. C.) comme nous avons appris que des écrits semés parmi le peuple proclament certaines doctrines qui ébranlent la fidélité et la soumission dues aux princes, et qui allument partout les flambaux de la révolte, il faudra empêcher avec soin que les peuples ainsi trompés ne soient entraînés hors de la ligne de leurs devoirs. Que tous considèrent que, suivant l'avis de l'apôtre, il n'y a point de puissance qui ne vienne de Dieu. Ainsi, celui qui résiste à la puissance résiste à l'ordre de Dieu ; et ceux qui résistent s'attirent la condamnation à eux-mêmes. Les lois divines et humaines s'élèvent donc contre ceux qui s'efforcent d'ébranler, par des trames de révolte et de sédition, la fidélité aux princes, et de les précipiter du trône. C'est pour cela, et afin de ne pas contracter une telle souillure, que les premiers Chrétiens, au milieu de la fureur des persécutions, surent cependant bien servir les empereurs, et travailler au salut de l'empire, comme il est certain qu'ils le firent.

No. 43.

Earl of Gosford to
Lord Glenelg.

30 October 1837

1 Cor. 9, 16.

Philip. 1, 3.

Eccles. 3, 11.

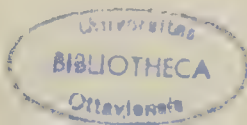
Act. 20, 28.
Déclaration présentée
au St. Siège par les
Rédacteurs de l'Avenir,
Journal de l'Avenir du
6 Février, 1831.

Rom. 13, 1, 2, 4, 5.

1 Petr. 2, 13, 14,
15, 16, 17, 18, 19.

2 Petr. 1, 20.

Math. 18, 17.



No. 43.

Earl of Gosford to
Lord Glenelg,
30 October 1837.

Enclosures in
No. 43.

St. Aug. in Psalm
124, No. 7.

2 Ruinart Act. 55.
Maurice et Comp.
No. 4.

Tertul. Apolog.
ch. 37.

Ils le prouvèrent admirablement, non seulement par leur fidélité à faire ce qui leur était ordonné, dès qu'il n'était pas contraire à la religion, mais encore en répandant même leur sang dans les combats.

“ Les soldats Chrétiens, dit St. Augustin, servoient un empereur infidèle; mais s'il étoit question de la cause de J. C., ils ne reconnoissoient que celui qui est dans les cieux. Ils distinguoient le Maître éternel du Maître temporel: et cependant ils étoient soumis pour le Maître éternel même au Maître temporel. C'est ce qu'avoit devant les yeux l'invincible Martyr Maurice, chef de la légion Thébaine, lorsque, comme le rapporte St. Eucher, il répondit à l'empereur: Nous sommes vos soldats, Prince, mais en même tems serviteurs de Dieu; et maintenant même le danger où nous sommes de perdre la vie ne nous pousse point à la revolte; nous avons des armes, et nous ne résistons point; parceque nous aimons mieux mourir que de tuer. Cette fidélité des anciens Chrétiens brille avec bien plus d'éclat, si l'on remarque, avec Tertullien, qu'alors les Chrétiens ne manquoient, ni par le nombre, ni par la force, s'ils eussent voulu se montrer ennemis déclarés de l'état.

“ Ces beaux exemples de soumission inviolable aux princes, que étoient une suite nécessaire des préceptes de la religion Chrétienne, condamnent l'erreur de ceux qui, enflammés d'ardeur pour une liberté effrénée, s'appliquent à ébranler et renverser les droits des puissances, tandis qu'au fond ils n'apportent aux peuples que la servitude sous le masque de la liberté. C'est là que tendoient les coupables desseins des Vaudois, des Bégards, des Wicléfistes, et des autres qui ont été si souvent frappés d'anathème par le Siège Apostolique; et ceux qui travaillent pour la même fin n'aspirent encore qu'à se féliciter avec Luther d'être libres à l'égard de tous et de toutes choses.

“ Le devoir vous oblige, ajoute le même pontife dans son Bref de Juillet 1832 aux Evêques de Pologne, de veiller avec le plus grand soin à ce que des hommes mal-intentionnés, des propagateurs de fausses doctrines, ne répandent parmi vos troupeaux le germe de théories corruptrices. Ces hommes, prétextant leur zèle pour le bien public, abusent de la crédulité des gens de bonne foi qui, dans leur aveuglement, leur servent d'instruments pour troubler la paix, et renverser l'ordre établi. Il convient que, pour l'avantage et l'honneur des disciples de J. C. leurs fausses doctrines soient mises dans leur jour: il faut réfuter leurs principes par la parole immuable de l'Ecriture Sainte, et par les monuments authentiques de la tradition de l'Eglise.

Telle est la doctrine du Souverain Pasteur des âmes, du Pontife vénérable maintenant siégeant sur la Chaire éternelle, jointe à l'enseignement de l'Eglise de tous les tems et de tous les lieux; et vous devez voir à présent, N. T. C. F. que nous ne pouvions, sans blesser nos devoirs et sans mettre en danger votre propre salut, omettre d'éclairer votre conscience dans un pas si glissant. Car il ne s'agit pas ici de moins pour vous que de maintenir les lois de votre religion, ou de les abandonner, puisque, pour un Catholique, il ne saurait y avoir de partage en matière de foi; et que selon l'Apôtre St. Jacques, celui qui manque à un seul article de la loi, est coupable sur tous les autres points.

Ne vous laissez donc pas séduire, si quelqu'un vouloit vous engager à la rebellion contre le Gouvernement établi, sous prétexte que vous faites partie du peuple souverain: la trop fameuse convention nationale de France, quoique forcée d'admettre la souveraineté du peuple puisqu'elle lui devoit son existence, eut bien soin de condamner elle-même les insurrections populaires, en insérant dans la déclaration des droits en tête de la constitution de 1795, que la souveraineté réside, non dans une partie, ni même dans la majorité de peuple, mais dans l'universalité des citoyens; ajoutant que nul individu, nulle réunion partielle de citoyens, ne peut s'attribuer la souveraineté. Or qui ôseroit dire que, dans ce pays, la totalité des citoyens veut la destruction de son Gouvernement?

Nous finissons, N. T. C. F. par en appeler à vos cœurs, toujours nobles et généreux. Avez-vous jamais pensé sérieusement aux horreurs d'une guerre civile? Vous êtes-vous représenté des ruisseaux de sang inondant vos rues ou vos campagnes, et l'innocent enveloppé avec le coupable dans la même série de malheurs? Avez-vous réfléchi que, presque sans exception, toute révolution populaire est une œuvre sanguinaire, comme le prouve l'expérience; et que le philosophe de Genève, l'auteur du contrat social, le grand fauteur de la souveraineté du peuple, dit quelque part qu'une révolution seroit achetée trop cher, si elle coûtoit une seule goutte de sang? Nous laissons à vos sentiments d'humanité et de christianisme ces importantes considérations.

Que la grâce de N. S. J. C., la charité de Dieu, et la communication de l'Esprit Saint demeure avec vous tous. Amen.

Sera notre présent mandement lû et publié à messe paroissiale ou principale de chaque Eglise, et au chapitre de chaque communauté de notre diocèse, le premier Dimanche ou jour de fête après sa réception.

Donné à Montréal, le vingt-quatre d'Octobre, mil-huit-cent-trente-sept, sous notre seing et sceau, avec le contre-seing de notre secrétaire.

L. † S.

✠ J. J. Evêque de Montréal,

Par Monseigneur A. F. Truteau, Ptre. Secrétaire.

(Pour Copie.)

A. F. Truteau, Ptre. Secrétaire.

P. S.—1°. Chaque prêtre lira à son peuple la mandement ci-dessus, sans aucune espèce de commentaire ou d'explication.—2°. Jusqu'à nouvel ordre, on dira tous les jours à la messe l'oraison *pro quâcumque tribulatione*, excepté aux messes 1^{re} classe, aux solennelles de 2^{de} classe, à celle du Dimanche des Rameaux, et à celle de la vigile de la Pentecôte; et cette même oraison remplacera celle marquée *ad libitum* dans les autres messes.—3°. Les trois communautés religieuses de ce diocèse réciteront tous les jours, à notre intention, 5 *pater* et 5 *ave* après la messe principale.

✠ J. J. Ev. de M.

Jac. 2, 10.

Art. 17.
Art. 18.

2 Cor. 13, 13.

— No. 44. —

COPY of a DESPATCH from Lord *Glenelg* to the Earl of *Gosford*.

(No. 281.)

No. 44.

Lord *Glenelg* to
Earl of *Gosford*,
27 Nov. 1837.

My Lord,

Downing-street, 27 November 1837.

I NEED hardly assure your Lordship that the present state of the province of Lower Canada, as described in your recent despatches and letters to me, has for some time engaged the most anxious and deliberate consideration of Her Majesty's Government. We have observed with sincere regret the result which has attended the efforts of those who seek to disturb the public peace, and to alienate the affections of the people from the mother country.

Under these circumstances our first and immediate duty must evidently be a most strenuous endeavour to repress the efforts of the discontented, to re-assert the supremacy of the law, and to inspire confidence and courage in the well-disposed and loyal part of the population of the province.

In considering the means by which these objects are to be effected, we have not failed to advert to the disinterested manner in which your Lordship has left to Her Majesty's Ministers the entirely free and unembarrassed discussion of the question as to your continuance in your office, or your retirement from it, expressing yourself perfectly ready to retire from the government of Lower Canada, should that course appear on public grounds advisable. Your conduct in this particular only corresponds with the whole tenor of it during the period of your official life. It has been under the strong impression of these feelings, and therefore, as I am sure you will do us the justice to believe, with the utmost reluctance, that we have entertained the question thus opened to us by yourself. Deeply grateful to your Lordship for the good faith, the moral courage, and the perseverance with which, under the most discouraging circumstances, you have still endeavoured to carry out the liberal policy of which you were selected as the organ, we cannot contemplate without sincere regret any proceeding which might possibly expose you to misrepresentation, and which cannot fail to subject you to personal inconvenience.

At the same time it is impossible not to perceive that the course of policy which must now be pursued will be more conveniently followed out by one less implicated than yourself in the events of the last few years. Merging therefore, in a sense of public duty, all personal considerations, we have felt ourselves under an obligation to avail ourselves of the generosity with which you have placed the disposal of your office at the unembarrassed discretion of Her Majesty's Ministers, and to advise Her Majesty to relieve you at once from the government of Lower Canada. Her Majesty having been graciously pleased to approve that advice, I have to convey to you Her Majesty's commands that you return to this country. Enclosed is a despatch which you will deliver to Sir John Colborne, on whom, in conformity with the terms of your commission, the administration of the government, until the arrival of your successor, will devolve.

It is, I trust, unnecessary to say that your Lordship retires from the government of Lower Canada with an entire approbation of your conduct during your administration. Selected at a time of unusual difficulty to reclaim by liberal and conciliatory measures those who, on the plea of unredressed grievances, had adopted a hostile posture towards the British Government, your Lordship has acted throughout with the utmost temper, discretion, and good faith. The ill success of your mission is to be attributed to circumstances over which you had no control; and however much you may regret this result, your Lordship will carry with you the satisfactory assurance that in devoting your exertions to the public service, you have discharged high and difficult duties in a manner entitled to the approbation of your Sovereign and your country.

I have, &c.

(signed) *Glenelg*.

No. 45.

Lord Glenelg to
Sir John Colborne,
27 November 1837.

—No. 45.—

COPY of a DESPATCH from Lord *Glenelg* to Lieut.-General Sir *John Colborne*,
K.C.B.; dated Downing-street, 27 November 1837.

Sir,

THIS despatch will be placed in your hands by the Earl of Gosford, and will apprise you that he is about to retire from the government of Lower Canada. By the terms of his Lordship's commission, the provisional administration of that government will devolve on you until Her Majesty shall have appointed some other person to fill that office.

I trust that it is unnecessary to state that Lord Gosford retires without the slightest diminution on either side of the confidence which has invariably subsisted between himself and the Ministers of the Crown; on the contrary, the circumstances which have led to this measure greatly enhance his previous claims on their respect and gratitude. With a generous superiority to every selfish consideration, Lord Gosford has frankly referred to Her Majesty's Government the question, whether it might not be conducive to the public interests that the government should be placed in the hands of an officer less implicated in the events of the last few years than himself, and has desired them to be guided in their decision by an exclusive regard to the public welfare.

I am deeply conscious that the duties which will devolve on you during your temporary administration will be of grave responsibility; but you will not on that account shrink from encountering them with calmness and courage. I am happy to learn from the communications which have reached me from the General commanding in chief, that your military arrangements have been conducted with that foresight and decision on which Lord Hill had every reason to calculate, and which I trust will have powerfully contributed to arrest the attempts to which the more reckless of the leaders in agitation might otherwise have resorted. To maintain or restore tranquillity, and to assert the dominion of the law, is the immediate object to be attained. Without proposing to fetter the discretion which must necessarily be vested in you, I shall, in a few days, address to you such instructions as appear to be required by the existing state of Lower Canada. In the mean time I will only assure you that your measures will receive the most favourable construction, and that you will be seconded by the most full and cordial support which it is in the power of Her Majesty's Government to afford you.

I have, &c.

(signed) *Glenelg*.

—No. 46.—

EXTRACT of a DESPATCH from the Earl of *Gosford* to Lord *Glenelg*,
dated Castle St. Lewis, 6 November 1837.

No. 46.

Earl Gosford to
Lord Glenelg,
6 November 1837.

MY two last despatches will have given you some idea of the political state of the province. Since those communications were written, the plans and designs of the seditious have become much more apparent; and, I regret to say, that their efforts and activity are producing results, to arrest which requires the adoption of much more vigorous and decisive measures than it is within the power of the executive government to put in force; large bodies of them are openly drilled in military tactics, every Sunday, in and near the city of Montreal; and although no concealment is practised, no attempt is made by the civil authorities to put a stop to this treasonable practice, or to arrest and punish those engaged in them. The reasons assigned for this want of energy in the discharge of a public duty are,—1st, The absence of sworn information to identify the parties; and, 2dly, The want of a civil force sufficient to prevent these illegal assemblages and to vindicate the law. In addition to these public drills, I am informed that there are daily drills going on of small bodies of men in private yards and enclosures, and that several French officers have recently been introduced into Montreal, from the United States, for the purpose of giving instruction in military organization, about which they are now busily engaged. On the other hand

AFFAIRS OF LOWER CANADA.

95

No. 46.

hand, the English party in that city have revived an old association called "The Doric Club," and are likewise drilling and arming; and I have every reason to apprehend that some unfortunate collision will before long take place.

Earl Gosford to
Lord Glenelg,
6 November 1837.

I have used and am still using every endeavour to arrest the progress of anarchy and confusion, that is spreading with great rapidity throughout the district of Montreal; but I find the ordinary powers of the executive quite insufficient for the purpose. I mentioned to your Lordship, in my despatch of the 1st instant, that a meeting of the Six Counties had taken place on the 23d October, at St. Charles, and forwarded to you the resolutions then passed; I now enclose, for your information, the Address to the Canadian People, which has been prepared and issued by a committee named on that occasion. Since the meetings, the poison that the agitators have been so industriously scattering appears to have spread more extensively, and been doing its work with more rapidity and success than ever; and in many of the counties in the district of Montreal a very large proportion of the rural population are in such a state that it is difficult to say to what lengths they may not be urged to go.

See Enclosure No. 1,
4 Nov. 1837.

Enclosure No. 2,
"Vindicator,"
31 Oct. 1837.

The object of the leaders appears now to be to put down the authority of the Government, by compelling those who hold commissions under it, in the magistracy or militia, to throw them up; for this purpose large bodies of men in disguise visit at night those who are loyal or disapprove of their proceedings, and by threats of personal violence and destruction of property force them to send in their resignations, and extort from them promises to join the ranks of the patriots, as they term themselves.

By means of this system of terrorism and midnight marauding, they have succeeded in overawing the well-disposed, so that several have forsaken their properties, to seek refuge in the towns or in the neighbouring states; and many magistrates and officers of militia have requested me to accept their resignations, explaining that they took this step in order to save their lives and property. I enclose for your perusal a copy of a letter that I recently received on this subject from a magistrate in the county of Acadie, detailing the state of that county. Dr. Cote, mentioned in the letter, is one of the members for L'Acadie, and the foremost of the leaders in these illegal proceedings. I was obliged to dismiss him from the magistracy, on account of his conduct at a public meeting; and it would seem that his object is to prevent any one else in the county holding a commission under Government. We have at last, however, received such information on oath against him as will bring him within reach of the law for high treason, but whether the law can be enforced is another and a doubtful question.

Enclosure No. 3,
30 Oct. 1837.

I need not dwell further on this part of the case; it is time that I should inform you of the steps I have taken to meet, as far as they can, the exigencies of the moment. In my despatch of the 21st ultimo, I mentioned that I had written to consult with Sir John Colborne as to the practicability and expediency of drawing troops from the Lower Provinces. His answer being in the affirmative, I immediately despatched a letter to Sir Colin Campbell, requesting, if he could spare it, another regiment; and in about a week afterwards Sir John Colborne sent off an express, urging very strongly that two regiments should be immediately sent up. Sir John has also drawn as many troops as possible from the Upper Province. I have despatched the Attorney-General to Montreal, with instructions to use his utmost exertions to maintain good order, and execute the laws against those who are now openly infringing them. With this view I have directed him to organize an efficient police force in that city, and, in short, to leave nothing undone to maintain the public tranquillity. I have also armed him with the necessary authority to deal according to law with the foreign military officers who may be found engaged in treasonable or seditious practices. I have directed the clerks of the peace, in the districts of Montreal and Three Rivers, to call on all magistrates who have not yet taken the oath of allegiance to Her Majesty, to come forward immediately and take the same, and to report to me the names of those who decline or omit so to do. But, after all, these measures will not put down the system of organization and arming that now is extensively going forward in the district of Montreal, nor will they prevent it from spreading into the other districts. Indeed the Central Committee of Quebec, of which I spoke in a former communication, is now actively at work, and have recommended the adoption here of the same process of drilling and organization that is practised in Montreal; and I heard that they intended to commence operations yesterday, had the weather permitted. Enclosure No. 4, is a newspaper, recently established

No. 4.

Enclosure No. 5,
3 Nov. 1837.

No. 46.

Earl Gosford to
Lord Glenelg,
6 November 1837.

established here, called "The Liberal," which contains a report of the Resolutions passed at the last meeting of the Quebec Committee.

After mature deliberation on the state in which the province is now placed, by the machinations of the agitators, whose designs have become too palpable to be mistaken, I am forced to the unwelcome conclusions, that unless some extraordinary powers be immediately placed in the hands of the local Executive, such as that of suspending the Habeas corpus, and declaring martial law over the whole or parts of the province, the tide of sedition cannot be stemmed but by resort to active military operations; an alternative which I cannot contemplate without the most painful reluctance. The knowledge that the Executive possesses these powers, would probably produce such an effect on the minds of the ill-disposed, as to render it unnecessary to exert them. In any event some prompt and decisive measure must be adopted by the Imperial authorities, to enable the machinery of the local government to perform its functions; it is now nearly at a standstill, and it would be idle to expect that either the present or a new House of Assembly, if summoned, would in any way assist in removing the serious difficulties that now exist; indeed, from all that has passed, I should fear that they would augment our embarrassments. The grievances which were at first put forward by the leaders of this party, would seem to have been mere pretexts to clothe deeper and darker designs. The mask has now been thrown aside, and the people are excited to disaffection and rebellion, by the most artful and unfounded misrepresentations; and even if all the demands of the Assembly were fully and immediately granted, they would, I begin to think, be insufficient to satisfy the views of those whose evident aim is not to reform, but to destroy the established Government and British connexion.

Enclosure 1, in No. 46.

Encl. 1, in No. 46.

AFFIDAVIT of certain Gentlemen of *Montreal*, on the State of Alarm in that City.

THOMAS PHILLIPS, esq., Isaac Valentine, esq., Henry Dyer, esq. and John Jones, printer, all from the city of Montreal, after being duly sworn on the Holy Evangelists, severally depose and say, that they are credibly informed, and verily believe, that on Monday next, the 6th day of November instant, it is the intention of a society, known by the name of "The Sons of Liberty," to parade the streets of the city of Montreal aforesaid; and that, on the same day, a part of a party known as "The Constitutional Association," also intend to do so, when the deponents have every reason to apprehend that the said "Sons of Liberty" and "Constitutional Association" will come in collision, which, in the opinion of the deponents, may not only be attended with loss of life, but with the destruction of property.

(signed) *Thomas Phillips.*
I. Valentine.
Henry Dyer.
John Jones.

Sworn before me, at Montreal, this 4th November 1837.

(signed) *B. Hart., J. P.*

(True copy.)

(signed) *John O'Sullivan.*

Enclosure 2, in No. 46.

(From the "Vindicator" of the 31st October 1837.)

SECOND DAY'S PROCEEDINGS of the CONFEDERATION of the SIX COUNTIES.

Tuesday, 24th October 1837.

Encl. 2, in No. 46.

IN conformity with the resolution passed at the general meeting yesterday, the delegates met this day at the village of St. Charles, to consider such other propositions as may be submitted to them. The said resolution having been read, and explanations having been given by the chairman, Dr. W. Nelson, Dr. Cote and Mr. A. Girod, a committee was appointed to draft an Address on the part of the Confederation to the People of Canada.

On motion of Mr. P. Bertrand, N. P., of St. Mathias, seconded by Lieutenant Joseph Tetreau dit Ducharme, J. P.,—

Resolved,—That it is the opinion of this meeting, that the provincial Legislature exists only in name, and that it is nullified in fact; and that when the Government trampled under foot organic laws by virtue of which society is constituted, the people should maintain them.

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On motion of Mr. Jaques David Hebert, of L'Acadie, seconded by Mr. J. B. Tetreau, of St. Marie,—

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Resolved,—That the people should consequently provide for its own wants, establish that superintendence necessary to good order as well as to social happiness, and that the Convention, the members of which were named at the several primary meetings of counties throughout the province, would be a body to which such a duty might be confided.

On motion of Mr. F. C. Ayet dit Malo, J. P., of St. Damase, seconded by Captain J. B. Beaudry, of St. Jean Baptiste,—

Resolved,—That this meeting, relying on the enlightened patriotism of the members who should form the said Convention, calls upon them seriously to consider if the time is not at hand when it ought to meet.

The committee named to draft an address to the inhabitants of the province, here reported a project of address, according to order, and the same having been read, it was, on motion of C. H. O. Cote, esq., M. P. P., seconded by E. N. Duchesnois, esq.,—

Unanimously resolved,—That the said address be received and adopted.

On motion of Dr. Labruere, of St. Hyacinthe, seconded by F. C. Duvert, esq., of St. Charles,—

Resolved,—That the said address be intituled "The Address of the Confederation of the Six Counties of St. Hyacinthe, Rouville, Richelieu, Vercheres, Chambly and L'Acadie, to their Fellow Citizens of Lower Canada," and that it be signed by the officers for and in the name of this meeting, and published.

ADDRESS of the CONFEDERATION of the SIX COUNTIES to the People of *Canada*.

Fellow Citizens,

WHEN a systematic course of oppression has been invariably harassing a people, in despite of their wishes, expressed in every manner recognised by constitutional usage; by popular assemblies, and by their representatives in Parliament, after grave deliberation; when their rulers, instead of redressing the various evils produced by their own misgovernment, have solemnly enregistered and proclaimed their guilty determination to sap and subvert the very foundations of civil liberty, it becomes the imperative duty of the people to betake themselves to the serious consideration of their unfortunate position—of the dangers by which they are surrounded—and by well-concerted organization, to make such arrangements as may be necessary to protect, unimpaired, their rights as citizens, and their dignity as freemen.

The wise and immortal framers of the American Declaration of Independence, embodied in that document the principles on which alone are based the rights of man; and successfully vindicated and established the only institutions and form of government which can permanently secure the prosperity and social happiness of the inhabitants of this continent, whose education and habits, derived from the circumstances of their colonization, demand a system of government entirely dependent upon, and directly responsible to, the people.

In common with the various nations of North and South America who have adopted the principles contained in that declaration, we hold the same holy and self-evident doctrines; that God created no artificial distinctions between man and man; that government is but a mere human institution, formed by those who are to be subject to its good or evil action; intended for the benefit of all who may consent to come or remain under its protection and control; and, therefore, that its form may be changed whenever it ceases to accomplish the ends for which such government was established; that public authorities and men in office are but the executors of the lawfully-expressed will of the community, honoured because they possess public confidence, respected only so long as they command public esteem, and to be removed from office the moment they cease to give satisfaction to the people, the sole legitimate source of all power.

In conformity with these principles, and on the faith of treaties and capitulations entered into with our ancestors, and guaranteed by the Imperial Parliament, the people of this province have, for a long series of years, complained, by respectful petitions, of the intolerable abuses which poison their existence and paralyse their industry. Far from conceding our humble prayers, aggression has followed aggression, until at length we seem no longer to belong to the British Empire for our own happiness or prosperity, our freedom or the honour of the British Crown or people, but solely for the purpose of fattening a horde of useless officials, who, not content with enjoying salaries enormously disproportioned to the duties of their offices, and to the resources of the country, have combined as a faction, united by private interest alone, to oppose all reforms in the province, and to uphold the iniquities of a government inimical to the rights and liberties of this colony.

Notwithstanding the universally admitted justice of our demands, and the wisdom and prudence of remedying our complaints, we still endure the misery of an irresponsible Executive, directed by an ignorant and hypocritical chief; our judges, dependent for the tenure of their office on the mere will and pleasure of the Crown, for the most part the violent partisans of a corrupt administration, have become more completely the tools and

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mercenaries of the Executive, by accepting the wages of their servility, in gross violation of every principle of judicial independence from foreign authority, without the intervention of the people, to whom, through their representatives, belongs the sole right of voting the salaries of their public servants; the office-holders of the province devour our revenues in salaries so extravagant as to deprive us of the funds requisite for the general improvement of the country, whereby our public works are arrested, and the navigation of our rivers continue obstructed; a Legislative Council appointed by men resident three thousand miles from this country, and systematically composed so as to thwart and oppose the efforts of our freely-chosen representatives in all measures for the promotion of the public good, after continuing unchanged during the present administration, thereby depriving the country of the advantages of domestic legislation, has at length been modified in a manner insulting to all classes of society, disgraceful to public morality, and to the annihilation of the respect and confidence of all parties in that branch of the Legislature, by the introduction of men for the most part notorious only for their incapacity, and remarkable alone for their political insignificance; thus making evident, even to demonstration, to all, whatever may be their preconceived ideas, the propriety and urgent necessity of introducing the principle of election into that body, as the only method of enabling the Provincial Legislature to proceed beneficially to the despatch of public business.

Our municipalities are utterly destroyed; the country parts of the province, as a disgraceful exception to the other parts of this continent, are totally deprived of all power of regulating, in a corporate capacity, their local affairs, through freely elected parish and township officers; the rising generation is deprived of the blessings of education, the primary schools which provided for the instruction of 40,000 children, having been shut up by the Legislative Council, a body hostile to the progress of useful knowledge, and instigated to this act by an Executive inimical to the spread of general information among the people—the Jesuits' College founded and endowed by the provident government which colonized this province for the encouragement and dissemination of learning and the sciences therein, has, with a barbarism unworthy the rulers of a civilized state, disgraceful to the enlightened age in which we live, and unparalleled even among the Goths and Vandals, been converted into, and is still retained, as a barrack for soldiery, whilst the funds and property devoted to the support of this and similar institutions have been, and continue to be, squandered and maladministered for the advantage of the favourites, creatures and tools of the Government; our citizens are deprived of the benefits of impartially chosen juries, and are arbitrarily persecuted by Crown officers, who to suit the purposes of the vindictive Government of which they are the creatures, have revived proceedings of an obsolete character, precedents for which are to be found only in the darkest pages of British history. Thus our Judiciary being sullied by combined conspiracies of a wicked Executive, slavish judges, partisan law officers, and political sheriffs, the innocent and patriotic are exposed to be sacrificed, whilst the enemies of the country, and the violators of all law, are protected and patronized, according as it may please the administration to crush and destroy, to save and protect. Our commerce and domestic industry are paralysed; our public lands alienated, at a nominal price, to a company of speculators, strangers to the country, or bestowed upon insolent favourites, as a reward for their sycophancy; our money is extorted from us without our consent, by taxes unconstitutionally imposed by a foreign Parliament, to be afterwards converted into an instrument of our degradation, by being distributed among a howling herd of officials, against our will, without our participation, and in violation of all principles of constitutional law.

In the midst of their honest and unwearied efforts to procure a redress of the foregoing grievances, our fellow citizens have been insolently called on to give an account of their public conduct, for which they were responsible to no individual, least of all to the person whom chance or ministerial patronage may place for a season at the head of our provincial government. They have been harassed and annoyed by dismissals from offices of mere honour, held for the benefit, and at the request, of their own immediate neighbours, because they vindicated the rights of their country, like American freemen; and as an index of further intended aggression, armed troops are being scattered, in time of profound peace, throughout the country, with the presumptuous and wicked design of restraining by physical force the expression of public opinion, and of completing by violence and bloodshed our slavery and ruin, already determined upon beyond the seas.

Such an aggression as this might justify the recourse, on the part of an outraged people, to all and every means to preserve the last of their insulted privileges—the right to complain. But, thanks to the blindness of the aggressors, the wickedness of the measure will be providentially neutralized by its folly. The regiments about to be quartered among us are composed of men sprung from, and educated with, the democracy of their country. They, for the most part, entered on their present profession, not from choice, but because they could not find any other employment in their native land. Instead of being stimulated to good conduct by the hope of promotion, too poorly paid, they are exposed to every sort of petty tyranny, and if a murmur escape their lips, they are subjected, like the bonded slave, to the ignoble punishment of the lash. Contrasting this hard fate with the freedom, content, employment and high wages to be obtained in the United States, and certain that the inhabitants of these counties, lying near and bordering upon the Lines, will not impede the efforts which these soldiers may make to emigrate to the neighbouring republic, it will become morally impossible to keep in Her Majesty's province, whilst scattered in detachments, the men who are now about to be made the vile instruments of our slavery and their own dishonour.

The long and heavy chain of abuses and oppressions under which we suffer, and to which every

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every year has only added a more galling link, prove that our history is but a recapitulation of what other colonies have endured before us. Our grievances are but a second edition of their grievances. Our petitions for relief are the same. Like theirs, they have been treated with scorn and contempt, and have brought down upon the petitioners but additional outrage and persecution. Thus the experience of the past demonstrates the folly of expecting justice from European authorities.

Dark, however, and unpromising as may be the present prospects of this our beloved country, we are encouraged by the public virtues of our fellow citizens to hope that the day of our regeneration is not far distant. Domestic manufactures are springing up amongst us, with a rapidity to cheer us in the contest. The impulse given but a few short months ago, by the example of generous and patriotic minds, of wearing domestic cloths, has been generally followed, and will shortly be universally adopted. The determination not to consume duty-paying merchandize, and to encourage free trade with our neighbours, matters of vital importance, is daily becoming more general, resolute and effective. The people are everywhere being duly impressed with the conviction that the sacrifices to be made must bear some proportion to the glorious object to be achieved, and that personal inconvenience for the good cause must therefore be not only freely, but readily, endured.

Fellow Countrymen! Brothers in affliction! Ye, whatsoever be your origin, language or religion, to whom equal laws and the rights of man are dear; whose hearts have throbbed with indignation whilst witnessing the innumerable insults to which your common country has been exposed, and who have often been justly alarmed whilst pondering over the sombre futurity preparing by misgovernment and corruption for this province and for your posterity; in the name of that country and of the rising generation, now having no hope but in you, we call upon you to assume, by systematic organization in your several townships and parishes, that position which can alone procure respect for yourselves and your demands. Let committees of vigilance be at once put in active operation throughout your respective neighbourhoods. Withdrawing all confidence from the present administration, and from such as will be so base as to accept office under it, forthwith assemble in your parishes and elect pacificator magistrates, after the example of your brother reformers of the county of Two Mountains, in order to protect the people at once from useless and improvident expense, and from the vengeance of their enemies. Our young men, the hope of the country, should everywhere organize themselves, after the plan of their brothers, "The Sons of Liberty," in Montreal, in order that they may be prepared to act with promptitude and effect, as circumstances may require; and the brave militiamen, who by their blood and valour have twice preserved this country for ungrateful rulers, should at once associate together, under officers of their own choice, for the security of good order and the protection of life and property in their respective localities. Thus prepared, colonial liberty may haply be yet preserved.

In this hope, and depending for a disenthralment from the misrule under which we now groan on the Providence of God, whose blessing on our disinterested labours we humbly implore; relying on the love of liberty which the free air and impregnable fastnesses of America should inspire in the hearts of the people at large, and upon the sympathy of our democratic neighbours, who, in the establishment of arbitrary rule on their borders, wisely and clearly foresaw the uprearing of a system which might be made a precedent and instrument for the introduction of the same arbitrary rule into other parts of the American Continent, and who can never consent that the principles for which they successfully struggled in the eighteenth, shall, in our persons, be trampled in the dust in the nineteenth century; We the Delegates of the Confederated Counties of Richelieu, St. Hyacinthe, Rouville, L'Acadie, Chambly and Verchères, hereby publicly register the solemn and determined resolution of the people whom we represent, to carry into effect, with the least delay possible, the preceding recommendations, and never to cease their patriotic exertions until the various grievances of which they now complain shall have been redressed; and we hereby invite our fellow citizens throughout the province to unite their efforts to ours to procure a good, cheap and responsible system of government for their common country.

Signed for and on behalf of the Confederation of the Six Counties, this 24th day of October 1837.

Wfd. Nelson, President.

J. T. Drolet, } Vice-Presidents.

F. C. Duvert, }

A. Girod,

J. P. Boucher-Belleville, } Secretaries.

Enclosure 3, in No. 46.

LETTER from a Magistrate of the County of Acadie, on the state of alarm in the Province; dated St. Valentine, 30 October 1837.

Sir,

At this critical period, when the whole country seems on the eve of a general outbreak against the existing order of things, I consider it my duty to represent to you, for the information of his Lordship the Governor-in-chief, that at this moment there exists the greatest excitement in this county, in consequence of Dr. Côte, M. P. P., in company with several

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others, amongst whom Lucien Gagain, of Pointe à la Male, is the most conspicuous, having made a tour of the county, endeavouring, by persuasion and threats, to get all the officers of militia to resign into his (Côte's) hands their commissions, and am sorry to observe he has been too successful, having passed through this parish last Saturday with about 40 in his pocket. Captain Denis Bouchard, and Lieutenants P. Henault and A. Gabouriaux, all loyal subjects, waited upon me yesterday with this information; these gentlemen have for the present refused to comply with the demand; however they were told by Dr. Côte, that unless they complied their houses would be pulled down about their ears, as a sufficient force would be sent against them, in the shape of a *clair-voie* to compel them; and they say, although much against their will, to save their property and families from ruin, will be obliged to comply. Threats are circulated, that the same means will be resorted to against myself; as yet the leaders have not had the audacity to speak to me on the subject; but Lieutenant Gabouriaux called upon me this morning to put me on my guard, as he knew it to be in contemplation by the said Gagain and his party to make the attempt upon my house; and situated as I am in the midst of them, my family are naturally under the greatest apprehension and alarm.

The method concerted to raise a mob, is to pass along ringing a bell, when all are to turn out with their faces blackened, to prevent detection; under these circumstances, no one is supposed to recognise another. Only a few nights ago the like method was actually put in force in the village of L'Acadie against the two magistrates Quesnel and Archambault; the former of whom having refused to comply with their demand, they commenced to demolish his house, when, to save his family, &c., was obliged to accede and promise to resign his commission. I am further informed, that it is the intention to immediately form each county into districts, with a leader to each, and on a certain night, to be hereafter fixed, they are all to turn out, and compel every man to join them under pain of death, or such other punishment as may be decided upon by the mob. The consequence of all this is, that all the well-disposed are under the greatest apprehension of the consequences. It is much to be desired, if possible, that a detachment of troops be stationed at Napierville, the residence of the principal agitator, Côte.

Since writing the foregoing, Mr. Richard M'Ginnes, from L'Acadie, has called upon me, and declares that he shall be obliged to leave his house with his whole family, as he has received positive information that the whole of his neighbourhood are to rise to-night, and that last night a gallows was prepared to hang him on if found upon his premises; he feels confident, from threats lately held out to him, that it is the intention to burn his whole establishment; he is now engaging waggons to move all his valuables immediately.

Lieutenant Dudley Flowers, residing in the Grand Line dividing the counties of Chambly and Acadie, is now here, and declares that his house has been visited by a mob of, he supposes, 60 or 70 persons in disguise, and last night, being the third, they broke and destroyed all the windows, &c., of his house; one of the party had a firebrand to set fire to his house had he any longer refused to comply with their demand of resigning his commission. Such is the state of affairs in this county at this present moment; I therefore trust his Lordship will adopt some active measures to put a stop to such a state of anxiety and confusion.

Looss Odell, esq., of Napierville, has this moment stepped in, and says they are in the same state, expecting an attack every night; he furnishes an express to convey this to Montreal.

N.B.—The said Lucien Gagain, after divine service yesterday, made a very inflammatory speech at our church-door, because all the people did not leave the church when the Bishop's Pastoral Letter was read.

Enclosure 4, in No. 46.

COPY of a LETTER from *S. Walcott*, Esq., Civil Secretary to the Attorney-General,
dated Castle St. Louis, Quebec, 4th December 1837.

Sir,

Encl. 4, in No. 46.

I HAVE it in command from the Governor-in-chief to acquaint you, that his Excellency having received intelligence from the district of Montreal, that a disorganizing system is there in operation, which, if unchecked, may lead to outrage and the most serious consequences; he desires that you do forthwith proceed to Montreal, and that being there, you do to the utmost of your power arrest and put down all seditious and unlawful practices and proceedings to the fullest extent that the law will permit you.

I am further directed to request that you will communicate this to the Solicitor-General, with his Excellency's injunction, that he join you in giving effect to his intentions.

I have, &c. &c.

(signed) *S. Walcott*, Civil Sec.

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Enclosure 5, in No. 46.

COPY of a LETTER from *S. Walcott*, Esq., Civil Secretary, to the Attorney-General,
dated Castle St. Louis, 4 November 1837.

Sir,

Encl. 5, in No. 46.

I AM directed by the Governor-in-chief, with reference to my letter to you of to-day's date, to request that on your arrival in Montreal, you will immediately take steps for inquiring into the present state of the police force in that city, with a view to place it on an efficient footing, to an extent commensurate with the exigencies of the times, and so as to enable the civil authorities to preserve peace and good order, and to execute the laws.

The expense which it may be necessary to incur for this service, may be defrayed by your drafts on the commissariat, his Excellency relying on your judgment and prudence for an efficacious and economical use of the credit.

I have, &c. &c.

(signed) *S. Walcott*, Civil Sec.

Enclosure 6, in No. 46.

(From the LIBERAL, 3 November 1837.)

COMITE CENTRAL ET PERMANENT.

CE Comité a tenu sa deuxième séance en sa Salle le deux Novembre courant, sous la présidence de Barthélémy Lehance, écuyer, et a passé les résolutions suivantes, entr'autres :—

Encl. 6. in No. 46.

Proposé par A. N. Morin, écr., secondé par Jos. Légare, J. P. :

Résolu,

Que les nominations récentes au Conseil Législatif, en presque totalité, ne sont pas de nature à satisfaire le peuple du pays et à lui donner des garanties de protection, d'ordre, et de bon gouvernement; mais qu'au contraire nous regardons le dit Conseil comme encore plus hostile que par le passé aux droits et aux libertés de la province, et comme ne méritant en aucune manière la confiance publique, et destiné seulement à perpétuer à toujours la corruption, l'oppression et la tyrannie, à susciter et à alimenter les divisions et les haines, et à servir comme par le passé de boulevard et d'entourage à des administrations corrompues, et d'écho aux volontés arbitraires des oppresseurs de Downing-street et de St. James's Palace; et que nous n'avons non plus aucun respect, mais au contraire un profond mépris, pour la majorité du Conseil Exécutif actuel, dont plusieurs membres n'ont aucune mise ou propriété ni intérêt quelconque dans la province, et que ce corps est composé avec la même tendance et dans les mêmes vues d'hostilité et d'opposition violente et illégale contre la représentation et le peuple de la province.

Proposé par R. S. M. Bouchette, écr., secondé par N. F. Belleau, écr. :

Que le peuple de ce pays a vu avec indignation, et voit encore journellement des mouvements militaires dans la province, et un étalage partout de force armée, qui est absolument incompatible avec l'exercice plein et entier des droits qu'il possède comme partie du peuple de l'Empire Britannique, de se réunir pour délibérer sur les affaires politiques du pays, discuter les mesures propres à prévenir l'anéantissement de leur liberté—et que nous ne pouvons voir ce développement de préparatifs arbitraires que comme un gage de la détermination tyrannique du gouvernement de vexer le peuple du pays, et le contraindre par la force physique de se soumettre aux violations qui ont été commises et qui se méditent de leur droits de citoyens et d'hommes libres—et nous sommes d'avis que cette parade bruyante d'une hostilité prochaine, ne doit qu'ajouter à l'énergie des amis de la réforme, dans l'organisation immédiate de toutes les forces morales et physiques du pays, pour repousser l'oppression qui se prépare à grand frais et de triompher de la tyrannie.

Proposé par N. F. Belleau, écr., secondé par Dr. Rousseau :

Que dans l'état actuel des affaires politiques du pays, et dans la vue de se protéger contre les agressions de nos ennemis, d'encourager tous les amis de la Chambre d'Assemblée, il devient nécessaire de faire organiser des corps de volontaires sur le plan suivi par les jeunes patriotes du Haut Canada et de Montreal, et que nous recommandons la formation de ces corps aux jeunes amis de la cause patriotique dans ce district.

Proposé par C. Hunter, écr., secondé par M. Connolly :

Que nous avons le plus grand respect pour la fermeté, l'indépendance le patriotisme et l'honneur qu'ont montré dans leur conduite publique, et dans leur correspondance avec les commis de l'exécutif, les magistrats et les officiers démis, ou qui ont renvoyé leurs commissions par suite des vexations et persécutions du pouvoir; et qu'en leur leur exprimant à tous nos remerciements, nous prions en particulier ceux de ce district, dans le comté de Beauce et de Saguenay, le major Louis Tremblay, le capitaine J. B. Proulx, et le capitaine Bélanger, d'en accepter le témoignage sincère.

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Proposé par M. Quigley, secondé par M. Teed :

Que la déclaration de Daniel O'Connell, telle qu'enoncée dans sa lettre datée du 2 Sept. dernier, et adressée au peuple Irlandais, " que si les ministres persistaient dans leurs mesures inconstitutionnelles envers le peuple du Canada, lui, pour un, votera contre eux dans chaque division pendant la prochaine session," est très flatteuse pour le peuple de cette province qui s'efforce d'obtenir la liberté, tel que l'a fait le peuple Irlandais, pour qui ce comité a la plus grande sympathie, et il est à espérer que l'exemple du libérateur de l'Irlande sera suivi par ses compatriotes ici, et qu'ils supporteront les droits et les intérêts de leurs pays adoptif.

Proposé par Jos. Légare, J. P., secondé par R. G. Belleau, écr.:

Que nous voyons avec satisfaction que nos compatriotes du comté des Deux Montagnes et des Six Comtés de la rivière Chambly, à défaut de la protection que le Peuple avait droit d'attendre du gouvernement Anglais, et qui est aujourd'hui remplacée par l'illégalité, la violence, les menaces et la loi des baïonnettes, se soient organisés d'une manière permanente pour aviser aux moyens de régler leurs affaires, et par des mesures sages et légitimes n'avoir pas à regretter l'action d'un gouvernement ennemi; et que nous regardons cette organisation comme devant être imitée ailleurs, et comme gage des plus avantageux résultats.

Le Comité s'est ajourné à Jeudi prochain, jour fixé pour leurs séances.

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(No. 116.)

COPY of a DESPATCH from the Earl of *Gosford* to Lord *Glenelg*,
dated Castle of St. Lewis, Quebec, 9th November 1837.

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Lord Glenelg,
9 November 1837.

Enclosure, No. 1.
See Encl. No. 2,
4 May 1837.

My Lord,

I HAVE in a late communication expressed an apprehension that some collision would take place ere long between the opposing parties in the town of Montreal, and I have now, with regret, to acquaint your Lordship that my apprehension has been realized. From the accounts that reached me late last night, I find that, notwithstanding a public warning issued by the magistrates, who seem to have been alive to what was intended, and to have fortified themselves with legal advice for their conduct in case of a disturbance, the Patriots, as they are termed, assembled in a private yard in St. James's-street, on Monday the 6th instant, to the number of 300 or 350, and about half-past four o'clock sallied forth into the streets with banners, and armed principally with bludgeons, but in some instances, I understand, with more deadly weapons. A riot was the obvious consequence. No lives fortunately were lost; but in the course of the evening several individuals were much hurt, and some attempts were made to damage the property of persons obnoxious to either party, amongst others that of Mr. Papineau, which were prevented by the timely presence of the military, whom the magistrates called out, after the main conflict between the Patriots and Constitutionals had terminated in the discomfiture of the former. The "Vindicator" newspaper office was, however, attacked by a party of the latter, after the disturbance was supposed to have ended; and before the troops could arrive for its protection, the presses, types, paper, &c. belonging to the establishment were destroyed and thrown into the streets.

Amongst those who were severely handled in the conflict was Mr. T. S. Brown, reputed, I am informed, to be an American, but who has been for some years settled in Montreal, and carried on business there as a hardware merchant, in which he became bankrupt about two years ago. This individual, from the very active part he has taken in organizing and drilling the Patriots, and advancing their views, has rendered himself particularly obnoxious to the other party. He was, I understand, the leader of the band who issued from the yard and originated the riot.

But your Lordship will obtain a more accurate and detailed view of these unfortunate proceedings from the perusal of the enclosed letters to me, one from the Solicitor General, and the other, quite of a private character, from Colonel Wetherall, commanding the Royals, who was on duty on the occasion.

I have just learned, from the Hon. F. A. Quesnel, the Executive Councillor, that when he left Montreal, on Tuesday night, (the 7th,) at eight o'clock, the city was tranquil, and no appearance of the peace being disturbed, at least for that night; and I trust that now that the Attorney-General, whom I despatched to Montreal

Enclosure, No. 3,
7 November 1837.
Encl., No. 4,
6 Nov. 1837.

on the 6th instant, has arrived there, clothed with full directions and as ample powers as I could invest him with for the maintenance of good order, such precautions will be adopted as may prevent the recurrence of like scenes.

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I have, &c.

(signed)

Gosford.

Enclosure 1, in No. 47.

PROCLAMATION issued by the Magistrates of *Montreal*, on the occasion of the Riot in that City, 6th November 1837.

Encl. 1, in No. 47.

WHEREAS depositions have been lodged before the magistrates to the effect that numerous bodies of men, assuming distinctive badges and denominations, and influenced by adverse political opinions, intend on Monday next to parade the streets of this city, from which processions, under the present excited state of public feeling, there is reason to apprehend that riots and tumults may ensue. The magistrates do hereby call upon and urge their fellow citizens to refrain from joining in or forming part of such processions, which are only calculated to disturb the public peace, and endanger the persons and property of Her Majesty's subjects.

By order of the Magistrates, assembled in special sessions.

(signed) *Delisle & Delisle*, Clerks of the Peace.

Montreal, Nov. 4th, 1837.

Enclosure 2, in No. 47.

AFFIDAVIT of certain Persons of an expected Riot in *Montreal*, and QUERIES and ANSWERS to the same by the Solicitor-General, respecting the Duties and Functions of Magistrates in cases of Riot.

AN affidavit is communicated to me by John Molson, Turton Penn and Benjamin Hart, esquires, three of Her Majesty's Justices of the Peace, which affidavit is as follows :—

"Thomas Phillips, esq., Isaac Valentine, esq., Henry Dyer, esq. and John Jones, printer, of the city of Montreal, being duly sworn on the Holy Evangelists, severally depose and say, that they are credibly informed and verily believe that on Monday next, the 6th day of November instant, it is the intention of a society, known by the name of 'The Sons of Liberty,' to parade the streets of the city of Montreal aforesaid, and that on the same day a part of a society, known as 'The Constitutional Association,' also intend to do so, when the deponents have every reason to apprehend that 'The Sons of Liberty' and 'Constitutional Association' will come in collision, which, in the opinion of the deponents, may not only be attended with loss of life, but destruction of property.

(signed) " *Thomas Phillips.*
J. Valentine.
Henry Dyer.
John Jones."

Sworn before me, at Montreal, this 4th November 1837.

(signed) *B. Hart. J. P.*

To this Affidavit are appended the following Queries :—

1. What means may be legally used by the magistrates to prevent the tumultuous meetings and processions which are alluded to in the affidavit?
2. If the meetings and processions cannot legally be prevented, what precautionary measures may legally be adopted to protect the public?
3. Supposing a riot to commence, what is the duty of any magistrate who may be present?
4. In swearing in special constables, must the names be taken in rotation from the list, or may the magistrates make a selection?

To these Queries I have the honour to subjoin the following Answers :—

1. If the justices of the peace have a probable ground to suspect that any of the persons known by the above appellations intend to parade the streets, as mentioned in the foregoing affidavit, they may cause such persons to be apprehended, and may compel them to give security for keeping the peace, and for their good behaviour. The justices of the peace have a right to demand such security at their own discretion.

Such are the only legal means for preventing the meetings in question that I am aware of.

2. If such meetings and processions cannot be thus prevented, the precautionary measures which may be legally adopted to protect the public, readily suggest themselves. The

sheriff

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sheriff and high constable should be apprized of the impending danger; they should be in readiness, with all the constables and peace officers, and a large number of citizens unconnected with either party, and desirous of maintaining the public peace, should be sworn in as special constables as early as possible. Intelligence should be obtained, if possible, as to the time and places of meeting, to the end that all the influential persons in both parties, and as many as possible of the individuals, may be arrested and bound over to keep the peace, and this at the very outset.

3. Supposing a riot to commence, the duty of a magistrate who may be present is prescribed by the 1st Geo. I., c. 5. This statute enacts, that "if any persons, to the number of 12 or more, being unlawfully, riotously and tumultuously assembled together, to the disturbance of the public peace, and being required or commanded by any one or more justice or justices of the peace, or by the sheriff of the county, or his under-sheriff, &c. &c. &c., by proclamation to be made in the King's (of course in the Queen's) name, in the form hereinafter directed, to disperse themselves and peaceably to depart to their respective habitations, or to their lawful business, shall, to the number of 12 or more (notwithstanding such proclamation made), unlawfully, riotously and tumultuously remain or continue together for the space of one hour after such command or request made by proclamation, that then such continuing together to the number of 12 or more, after such command or request made by proclamation, shall be adjudged felony without benefit of clergy."

The proclamation thus to be made will be as follows:—

"Our Sovereign Lady the Queen chargeth and commandeth all persons being assembled to disperse themselves, and peaceably to depart to their habitations or to their lawful business, upon the pains contained in the Act made in the first year of King George, for preventing tumults and riotous assemblies."

To remain tumultuously assembled for more than an hour after the reading of this proclamation is felony, as has been just seen. When the hour is elapsed, the justice of the peace is by the above-mentioned statute authorized and empowered to seize and apprehend such persons so unlawfully remaining assembled, and he is also authorized to command all his Majesty's subjects of age and ability to be assisting to him therein.

A justice of the peace finding persons riotously assembled, has alone, without waiting for his companions, not only power to arrest the offenders, and bind them to their good behaviour or imprison them if they do not offer good bail, but he may also authorize others to arrest them by a bare command, without other warrant.

If two justices are present (as there is no doubt will be if a riot should take place), they are not to stand during the intermediate hour spectators of any mischief that the rioters may be in the act of perpetrating. Under the 13th Henry IV., c. 7, they may, with the sheriff or under sheriff, call the power of the county (district) to arrest the rioters, if necessary.

In the construction of this statute, with other preceding ones, it has been held that those who attend the justices to suppress a riot may take with them such weapons as may be necessary to enable them effectually to do it, and that they may justify the beating, wounding, and even killing of such rioters as shall resist or refuse to surrender themselves. The justices are of course aware that if the civil power be considered by them insufficient for the suppression of the riot, they have the power of calling a military force to their assistance.

With respect to the suppression of a riot, the situation of a soldier and that of a private citizen is the same. Whatever Her Majesty's subjects may do, the military may do also. I need not say that both citizen and soldier are bound to stay a riot, by all gentle means in their power.

4. In swearing in special constables, the magistrates may make such selection as they please of such persons as they think most fit to be aiding and assisting in maintaining the public peace.

Montreal, 4 November 1837.

(signed) *M. O'Sullivan*, Solicitor-General.

(A true copy from the original.)

(signed) *Delisle & Delisle*, Clerks of the Peace.

Enclosure 3, in No. 47.

LETTER from the Solicitor-General to the Earl of *Gosford*, on the Collision between the opposing Parties at Montreal, 6 November 1837; dated November 7, 1837.

My Lord.

Encl. 3, in No. 47.

I TRANSMIT to your Lordship a copy of the Answers which I gave on Saturday last to the Queries put to me by the magistrates. A riot took place last evening about half-past four o'clock. The accounts in the newspapers cannot be depended upon, because party feelings will give an untrue colouring on both sides. Monsieur Martin gives the following statement as correct.

The *Patriotes* met, to the number of about 350, in a large yard opening in Great St. James's-street, near the American Presbyterian Church. They had their speeches, and their huzzas, and their treason in private, the gate of the yard being shut. A number of Constitutionalists were

were outside. Stones were thrown into the yard, and towards the close of the meeting grown-up boys were seen pushing sticks under the gate. An English flag was also carried about. The *Patriotes* broke out and drove the Constitutionalists before them towards the Bank, breaking the windows of Dr. Robertson *en passant*. They continued moving on victorious until they reached nearly opposite the Court-house. Here the Constitutionalists, having been reinforced by the Doric Club, made a stand, and drove back their assailants in their turn as far as the Place d'Armes, from which the latter made their escape into the suburb. The troops then came out, and the Doric Club having dispersed, they followed the rioters, who kept in small bodies, through the suburbs. Parties of the Doric now assembled, broke some of the windows in Mr. Papineau's house, and then proceeded to the office of the "Vindicator," the interior of which they demolished before the troops could return. T. S. Brown is said to be dangerously ill.

Some very judicious arrangements were made for placing the troops for the night, and all continued quiet.

The *Patriotes* have despatched no less than 15 expresses to different parts of the country, with the most exaggerated accounts of the whole affair. They have it at La Prairie to-day, that the troops sided with the English to murder the Canadians. I fear it will have a bad effect in the country with respect to the safety of the loyal inhabitants. As for the county of L'Acadie, it is actually in a state of open rebellion. Mr. M'Crae, collector at St. John's, is obliged, through the violence manifested at St. John's, to continue absent from his post. They want him not only to resign his commission as justice of the peace (the only one in their estimation now in that county), but also his commission as collector. St. John's must (say they) be a free port: no more duties shall be collected there. The treason is not confined to L'Acadie, it is spreading far and wide; and unless checked immediately, will soon overrun the whole district. It has already reached St. Constant, as appears by an accompanying deposition. On Sunday last, at La Prairie, a body of young men, 150 strong, organized themselves under a chief (Dr. D'Eschambeault), whom they publicly elected. Lieut.-Colonel Lemai, of the seigneurie of St. Marie, has just called upon me. Disaffection has reached his place also, and is travelling so fast, that unless its progress be speedily checked, it will, I am sure in less than a fortnight, have pervaded the whole country. I have requested Mr. Lemai to write to your Lordship as fully as possible.

I have the honour to be, &c.

(signed) M. O'Sullivan.

Enclosure 5, in No. 47.

EXTRACT of a LETTER from Lieutenant-Colonel Wetherall to Lord Gosford, on the Collision of the Opposing Parties at Montreal, 6 November 1837.

I HAD scarcely closed my letter last evening, when the troops were called out by the magistracy to quell a riot then going on. I stated to your Lordship that no procession would take place in consequence of a convention to that effect, by the opposing parties. This convention was formerly entered into by the magistrates, six of whom received the pledges of the respective leaders; notwithstanding this, the patriots assembled to the amount of 500, in an enclosed yard in St. James's-street, where they were duly marshalled, and at half-past four they debouched with banners, &c., principally armed with bludgeons, but with some swords, guns and pistols. At this time there were only a few idlers in St. James's-street, perhaps 20 or 30, and some idle boys who amused themselves by throwing stones over the enclosure within which the patriots were collected. These men and boys were forthwith attacked and driven back to the Place d'Armes. So little was this expected, that they had not even sticks in their hands. Mr. Orr, the hotel keeper, was shot at; Mr. Arnoldi severely hurt; and, I believe, has his arm broken; General Brown severely injured in the head; Dr. Robertson's windows broken, &c. &c. The alarm soon spread, and such a burst of indignation on the part of the English (for, after all, the feeling is English *versus* French) displayed as could scarcely be expected. In a moment the streets were full of men, armed with sticks of all kinds (no arms), even to firebrands hastily snatched from a stove, and the 500 patriots were sorely defeated and driven through the St. Lawrence suburbs, where they made three manly stands; but the English party were irresistible. At this moment, the row being over, the military were called out to protect property and to keep the peace; and I, with my regiment, arrived opposite Papineau's house just as the mob approached it, bent upon its destruction. The column swept this mob before them, they offering no resistance, through the Champ de Mars, where I was ordered to take post. They then proceeded to parade the town through the St. Lawrence suburbs, and by the Bishop's Church, where the patriots had again collected in comparatively small numbers, for the purpose, as is supposed, of destroying that property. Here I had posted a company, which prevented any serious collision. The officer commanding it received from the mob a seven-barrelled gun and a tricolour flag which had been taken from the patriots. After this all seemed quiet, and the magistrates ordered the troops to their barracks. On their way they pounced upon a mob destroying Papineau's house, which was not seriously injured, an outer door and some windows only being broken. We had scarcely reached our quarters when assistance was again demanded to protect the "Vindicator" office. A company went, but the property was destroyed, and the mob had disappeared. The paper, the types, &c. &c. all

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Lord Glenelg,
9 November 1837.

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scattered to the winds. I was placed on duty with three companies during the night, and patrolled the streets till daylight. All was still as death; no lives were lost, and no opposition offered to the military. General Brown and his myrmidons were decidedly the aggressors; and will not, I think, repeat an experiment in which they must always fail. The English magistrates have been grossly attacked by those of the opposite party, for not firing upon the English mob, and for allowing the destruction of the "Vindicator" press; but it was impossible for them to foresee that event, their attention was directed to Papineau's house, for which the mob were in full march; having saved that, and the mob having to all appearance dispersed, they had no alternative but to dismiss the military.

—No. 48.—

(No. 1.)

COPY of a DESPATCH from Lord *Glenelg* to Lieut.-Gen. Sir *John Colborne*, K.C.B.
dated Downing-street, 6 December 1837.

No. 48.

Lord Glenelg to
Sir John Colborne,
6 Dec. 1837.

Sir,

My despatch of the 27th ultimo will have apprised you of the approaching retirement of the Earl of Gosford from the government of Lower Canada, an event which, by the terms of his Lordship's commission, will devolve upon you the temporary administration of the affairs of that province.

It is at once my duty and my anxious desire to relieve you, as far as possible, from the very arduous responsibility attendant upon the discharge of that duty at the present moment. I do not, however, propose to enter upon any statement of the course to be pursued respecting those questions of permanent policy which have been agitated between the executive government and the House of General Assembly. All such discussions, however important, are for the present superseded by the urgent necessity which has arisen for maintaining the public peace and restoring the authority of the law. To that one great object your undivided attention will be given, and to that alone will my present communication be confined.

I enumerate in the margin the series of Lord Gosford's despatches which describe the gradual but rapid advance of the enemies of peace and order, from complaints urged at least under the forms of the constitution to the very verge of rebellion. The conclusion from the whole of this intelligence is inevitable, that the leaders of the movement party are restrained only by some remaining considerations of prudence from raising the standard of open insurrection. It is therefore necessary to consider how this crisis is to be encountered.

You appear already to have concentrated upon the points most exposed to danger every part of Her Majesty's forces in British North America, which it has been possible to withdraw from the adjacent provinces. Arrangements have been made for increasing, if necessary, the number of troops under your command with the return of the spring. In the meantime, I trust that your present force will be sufficient to awe the seditious, and to suppress any actual rising which the civil power may be unable to control. If, however, your strength should be inadequate to these objects, you will of course avail yourself of the voluntary zeal of such of Her Majesty's loyal subjects as may be willing to serve under your authority, and to submit themselves entirely to your orders.

The first and highest prerogative and duty of the Crown is the protection of those who maintain their allegiance against the enemies of order and peace. To repress by arms any insurrection or rebellion to which the civil power cannot be successfully opposed, is therefore a legitimate exercise of the royal authority; and, in the attainment of this object, the proclamation of martial law may become indispensable.

It is superfluous to state with what caution and reserve this ultimate resource should be resorted to, and that it ought to be confined within the narrowest limits which the necessity of the case will admit. But if unhappily the case shall arise in any part of Lower Canada, in which the protection of the loyal and peaceable subjects of the Crown may require the adoption of this extreme measure, it must not be declined. Reposing the utmost confidence in your prudence, that such a measure will not be needlessly taken, and relying on your firmness, that, if taken, it will be followed up with the requisite energy, Her Majesty's Government are fully prepared to assume to themselves the responsibility of instructing you to employ it, should you be deliberately convinced that the occasion imperatively demands it. They will, with confidence look to Parliament for your indemnity and their own.

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No. 48.

It might embarrass, but could hardly assist you, if I should attempt to address to you any more detailed instructions for your guidance in the present emergency. Her Majesty's Government cheerfully commit to your hands the safety of the important part of the dominions of the Crown over which your authority will extend. In the discharge of that trust you will have the highest claim to every degree of support which it may be in our power to give.

Lord Glenelg to
Sir J. Colborne,
6 December 1837.

I have, &c.

(signed)

Glenelg.

—No. 49.—

COPY of a DESPATCH from the Earl of *Gosford* to Lord *Glenelg*,
dated Castle St. Lewis, 14 November 1837.

My Lord,

FINDING from the system pursued by the disaffected in this province that the decisive measures I have recently submitted for your consideration become every day more necessary, it naturally occurs to me that, if it should be determined to take a strong course of proceeding, you might feel desirous to intrust the execution of your plans to hands not pledged, as mine are, to a mild and conciliatory line of policy. As I stated in a former letter, I would not shrink from difficulties, nor wish to take any step that would in the least degree embarrass Her Majesty's ministers; but I owe it to you, to myself, and to my sense of public duty, fairly and honestly to declare my conviction, that any alteration that may take place in the policy to be observed towards this province, would be more likely to produce the desired result if confided to a successor, who would enter on the task free to take a new line of action, without being exposed to the accusation of inconsistency, which, just or not, always proves injurious to the beneficial working of any administration. My continuance here to this time has been, as you are aware, solely on public grounds; had I been influenced by private considerations, I should long ere this have solicited my recall; but the principles by which I was actuated would not admit of an abrupt application of this nature; I therefore confine my communication on this head to acquainting you, that my private wish was to return home, but leaving it entirely to you to take the course you might think best calculated to promote the public service. I can now, however, assign reasons of a public nature for wishing to be relieved, which I could not well have done sooner; and should you admit their validity, I trust that, after what I have said, you will feel no hesitation, as regards myself, in making such arrangements as you think desirable.

No. 49.

Earl of Gosford
to Lord Glenelg,
14 Nov. 1837.

I have, &c.

(signed)

Gosford.

—No. 50.—

COPY of a DESPATCH from Lord *Glenelg* to the Earl of *Gosford*, dated Downing-street, 23 December 1837.

My Lord,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 14th November, stating the grounds on which you consider it advantageous to the public service that you should be at once relieved from the office of Governor-general of Canada.

From my private letter of the 22d, and my Despatch, No. 281, of the 27th Nov., which will probably by this time have reached you, your Lordship will perceive that the Ministers of the Crown, fully appreciating the disinterested views which you had expressed in several of your private communications, had already advised Her Majesty to accept your resignation. It only remains for me, therefore, to repeat the high sense entertained by Her Majesty's Government of the generous motives by which you have been guided in this respect.

No. 50.

Lord Glenelg,
to Earl of Gosford,
23 Dec. 1837.

I have, &c.

(signed)

Glenelg.

—No. 51.—

(No. 121.)

COPY of a DESPATCH from the Earl of *Gosford* to Lord *Glenelg*, dated Castle of St. Lewis, Quebec, 22 November 1837.

My Lord,

No. 51.
Earl of Gosford to
Lord Glenelg,
22 Nov. 1837.

As the press of important business has left me but half an hour to secure to-day's post, which is the last that will be in time for the next packet that leaves New York for England, and as I am aware that your Lordship must feel anxious to be informed of the progress of events since my despatch of the 9th instant, No. 116, reporting the collision between the opposing parties at Montreal on the 6th, I hasten to transmit the accompanying documents, six in number, as the shortest and best mode of conveying to you the most detailed account of what has since taken place; and although some of these are newspaper reports, they contain an accurate and full representation of recent occurrences.

Of the twenty-six individuals against whom warrants for high treason have been issued, nine have been taken, and are now confined in the Montreal gaol. Two were rescued near Longueuil, as your Lordship will perceive from the accompanying papers, by an armed force, who fired upon and wounded four of the mounted police. The rest of the accused, including Messrs. Papineau and O'Callaghan, have not yet been found. Some of them, it is supposed, have fled into the adjoining States; but Mr. Papineau is not of the number, although it is uncertain where he is.

Upon the advice of my council, and the representations of the Attorney-general, that the success of his initiatory legal proceedings would be hazarded, and he was unwilling therefore to incur the risk of commencing them, so long as certain individuals remained in the magistracy for Montreal, I at once issued a new commission of the peace for that district, omitting the names of the objectionable Justices, and inserting others in their place; and I have authorized the formation of an armed volunteer corps in the eastern townships, to the extent of 800 men. These decisive measures, and the desertion of the leading agitators in the moment of danger, will, I trust, open the eyes of the deluded habitants, and eventually restore public tranquillity and good order, without my being obliged to act upon the Report of the Executive Council of the 20th instant, for declaring parts of the district of Montreal in a state of insurrection and rebellion.

Five individuals, including Mr. Morin, the member, were lately arrested in this city for seditious practices; but they have been admitted to bail by the Chief Justice of the province, the accused in 500*l.*, with two sureties each in 250*l.*

The post has been waiting for me some time, and I cannot detain it any longer.

I have, &c.

(signed) *Gosford.*

Enclosure 1, in No. 51.

REPORT from the Attorney and Solicitor Generals, respecting Proceedings in the District of *Montreal*.

Sir,

Montreal, 18 November 1837.

Encl. 1, in No. 51.

IN obedience to the commands of his Excellency the Governor-in-chief, conveyed to me by your letter of the 4th November instant, that his Excellency, having received intelligence from the district of Montreal that a disorganizing system is there in operation, which, if unchecked, may lead to outrage and the most serious consequences, desires that I do forthwith proceed to Montreal, and that being there, I should to the utmost of my power arrest and put down all seditious and unlawful practices and proceedings to the fullest extent that the law would admit; and further, that you were directed to request that I would communicate that letter to the Solicitor-general, with his Excellency's injunction that he should join me in giving effect to his intentions, I proceeded immediately to Montreal, and, in accordance with the above instructions, put myself into instant communication with the Solicitor-general. In conjunction with him, I have the honour to report:-

That our undivided attention has been since devoted to the attainment of such evidence as would authorize the arrest of those political incendiaries, to whose machinations the present alarming state of this city and district is to be attributed. Having at length accomplished this important object, by the assistance of Messrs. Cuvillier and Penn, two of the magistrates of this district, to whom the depositions and accompanying documents were submitted, with our opinion, that the charges contained in them amounted to high treason against the parties implicated therein. Warrants were issued for their apprehension to the number of 26. The names of these individuals are contained in Appendix, letter A.

The

The high constable and special constables to whom the execution of this duty was confided, succeeded in arresting in the night of the 16th instant, and lodging in the common gaol of this district the six persons named in Appendix B. Earl of Gosford to Lord Glenelg, 22 November 1837.

Warrants were simultaneously issued for the arrest of Drs. Davignault and Lionnais, and P. P. D'Emery, Notary-public, and entrusted to a body of mounted police, who, accompanied by a magistrate, were despatched that night by way of Longueuil and Chambly, to their respective residences. It is to be regretted that the object of this expedition has been frustrated; the police were successful in apprehending two of the accused, but upon their return to Montreal, when within two miles of Longueuil, they were intercepted by a large body of armed inhabitants, who, firing upon them from behind the fences and a barn which bordered the road, where they were themselves unassailable, compelled the police to abandon their prisoners. Depositions having been made to this effect, and it having been deemed expedient to reinforce the garrison of Chambly with four companies of the Royals, under Lieutenant Colonel Wetherall, and two pieces of artillery, a party of mounted police, accompanied by the deputy sheriff, two magistrates and a constable, have been despatched with the military, under instructions to recapture the prisoners, if practicable, and further, to arrest any individuals who might be identified as having aided and abetted in a treasonable rescue. In the course of yesterday, Dr. Lionnais, one of the accused, who was absent from his house on Thursday night, was arrested in the city, and committed to the common gaol.

Awaiting further intelligence, we have the honour, &c.

(signed) C. R. Oyden, Attorney-General.
M. O'Sullivan, Solicitor-General.

Appendix (A.) to the Attorney and Solicitor General's Report, dated 18 November 1837.

* J. F. B. Lionnais.	Louis Perrault.
P. P. Demaray.	Thomas S. Brown.
Jos. F. Dairgnon.	* J. Dubuc.
Cyrille H. O. Cote, M. P. P.	Ed. E. Rodier, M. P. P.
J. Gagnon.	Edmund B. O'Callaghan, M. P. P.
* Louis M. Veger, M. P. P.	* A. Simard.
P. Amiot, M. P. P.	A. Gauvin.
Jos. T. Drolet, M. P. P.	L. Ganthier.
* Chas. A. Liblane.	R. Desriviers.
* F. Tavernier.	J. Girouard, M. P. P.
Louis Jos. Papineau, M. P. P.	* A. Ouimet.
Amury Girod.	* G. M. Boucherville.
W. Nelson.	

N. B.—Those who have a star against their names, have been arrested, and are in gaol.

Enclosure 2, in No. 51.

MORNING COURIER EXTRA.

Montreal, Saturday, 18 Nov. 1837.

ARRESTS in *Montreal*; Rescue of two Prisoners arrested at *St. John's*.

THE events of yesterday and the day before are of a nature to require of us the fulfilment of our promise made at the beginning of this month, of an extra sheet, whenever news of particular interest was to be communicated. We were prevented from publishing in our yesterday's paper the earlier part of the narrative we now present, by a special request, as well as by the fear of perhaps impairing the success of the measures that were in progress by any too early publicity, such as we might then have given them. It was not till about nine o'clock on Thursday evening that they became known at all; and it was then considered best that for a short time they should remain as little known as possible. Encl. 2, in No. 51.

On Thursday evening a considerable number of warrants were lodged in the hands of Mr. Delisle, the high constable, who entered immediately on the discharge of the duty assigned him, and succeeded, with a party of special constables, in arresting six of the delinquents, Messrs. Andre Ouimet, president of the "*filz de la liberté*," J. Dubuc, an *employé* at Pigeon's tavern, Frans. Tavernier, of the Faubourg St. Antoine, George De Boucherville, advocate, Dr. Simard and a student at law named Leblanc. Several other warrants were not served, owing to the absence of the parties for whose benefit they were intended. Among the absentees, we understand, were Dr. O'Callaghan, Thomas S. Brown, Rodolphe Desrivieres and Ovide Perrault. The arrested parties were all safely lodged in gaol. A report has been in circulation that Mr. Desrivieres has since been arrested, but up to last night nothing had occurred to warrant it. Mr. Ouimet, we are informed by one of those engaged in his arrest, did honour to the "*juponnesse*" whose president he is, by weeping bitterly on the way to his winter quarters, an exhibition of the manly spirit of a revolutionist hero, which greatly edified his captors.

We have not learned positively the precise nature of these arrests. Public report declares them to be for high treason; and we are not aware that there is any reason to suppose it

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Earl of Gosford to
Lord Glenelg,
22 November 1837.

Encl. 3, in No. 51.

incorrect in this particular. That treason has been committed by the parties there can be no question. We hope the time is at last come when it can be proved upon them.

At eight o'clock on the same evening, a party of 18 of the Royal Montreal Volunteer Cavalry, under Lieut. Ermatinger, was despatched to St. John's, *via* Longueuil and Chambly, with constable Malo, to effect the arrest of two worthies of that place, Messrs. Dr. D'Avignon and Demaray. Having quietly effected their object, they set out on their return, about three o'clock in the morning, by the same road. Not far from Chambly, they met with a party of about 30 persons, variously armed, who, however, went off as they approached. At about a mile from Longueuil, they were warned by a woman that a large body of men were in waiting for them a little further on; but from some cause or other the information was disregarded, and the party proceeded as before. They had gone on but a very short distance, when they found themselves almost close to a body of about 300, in a field on the right of the road, protected by a high fence, and armed with rifles and muskets. The party in advance moved on to pass them, but was received by a heavy fire, which it was impossible for them to return with effect, armed as they were with pistols only, and from a body which, on account of the high fence, they could not charge sword in hand. Under these circumstances, they fell back on the main body of the party, though not until several shots had told with effect upon them. Lieut. Ermatinger was wounded, we believe with duck-shot, in the face and below the shoulder, Mr. Sharp received a bullet through the leg, a little below the knee, and Mr. John P. Ashton also received a slight wound from a slug. Mr. John Molson, junior, had a narrow escape for his life, a bullet passing through his cap and grazing his head. Mr. Joshua Woodhouse is also wounded, and we believe from all we hear, severely. Several of the horses, we are told, were more or less wounded. In turning to retreat, the waggon in which the constable and the two prisoners were was upset, and necessarily left behind by the cavalry, who then made their way into Longueuil across the fields. On arriving there they found a detachment of two companies from the 32d regiment, under Major Reed, who had been despatched at an early hour from Montreal, to receive and support them in case of necessity, but whose orders had unfortunately directed him not to proceed beyond Longueuil. The prisoners had, however, then made their escape, and the whole body returned to the city for further orders.

Some two hours afterwards, Constable Malo returned to the city, reporting none others killed or wounded, and of course without his prisoners.

We understand that the four companies of the Royals now in town have received orders to march early this morning, under Lieut.-colonel Watherall, *K. H.*, on special duty not yet precisely disclosed, between Longueuil and Chambly. They will be accompanied by one, or perhaps two, field-pieces, and we trust their orders will prove to be such as to bring to a speedy issue the whole business of yesterday's attack.—A recapture, a few new captures, and a satisfactory account of any parties that may be found, should there be any such, to oppose either, are what the circumstances of the case require, and what we trust they will not require in vain.

Conflicting reports are current as to the *locale* of the unarrested leaders, and of Mr. Papineau in particular. By some it is confidently stated that he is in town, by others, that he has even left the country, and crossed the line. We believe neither report to be correct. The authorities, we trust, will lose no time in following up the blow they have now struck. They have passed the rubicon, and the success of their measures must henceforth depend mainly on their promptness. No stone must be left unturned to ensure the arrest of every man against whom evidence can be found to warrant a fair hope of his conviction. If Mr. Papineau or any other such individual be yet in town, it will obviously be the game of the party to have it believed that he is not. We hope the parties interested will be on their guard against the *ruse*, and not relax in their efforts to ensure the apprehension of all the missing candidates for gaol apartments.

There is a little doubt expressed in some quarters as to the fact of a warrant being actually out against Papineau, but we trust there is no ground for such a doubt. The number of warrants prepared is, we believe, considerable, and some one of them must be for the head offender. The arrest of A. N. Morin, in Quebec, shows that there is no intention of allowing the leaders to leave all the dangers of revolution to their underlings.

We have reason to hope that a considerable number of additional arrests are likely to be made in and near Quebec. Let the aim be high and steady, and we care not how often it may be taken. The more men the better: but the highest must be among the first.

The best argument we can urge upon our readers to induce them to renewed activity and spirit in their country's cause, is to be found in the events of the last day or two. The long desired blow is at last struck by the government. Blood has at last been shed by the rebels, who now stand unmasked, and fairly subject to the worst penalties of the laws they have insulted. No British subject could desire better things. Let but the enemy be seen, and the result is certain. Argument is no longer needed to convince any one of what each man's conscience must now plainly tell him to be his duty. He has but to remember that England expects every man to do it.

We see from last night's "Populaire," that Mr. Demaray, one of the parties rescued at Longueuil, has just been discharged from his situation as postmaster at St. John's. The public will be no losers.

THE CHIEF OF THE REBEL GANG TAKEN.—Amable Norbert Morin, director-in-chief of the seditious and treasonable proceedings of the Permanent and Central Committee of Quebec, and chief spy of the Montreal faction, was lodged in jail this morning, on a similar charge

charge to that on which Jos. Legaré, Pierre Chasseur, Eugene Trudeau and Barthèlemi Lachance. A. N. Morin was committed until Saturday, when he will be further examined, and most probably be accommodated with quarters by Mr. Jeffrys for the whole winter.—“Quebec Morning Herald,” of Wednesday.

Sir John Colborne has called in the old pensioners and the old soldiers, who are willing to serve, both to enter on immediate active service.—“Populaire.”

Earl of Gosford to
Lord Glenelg,
22 Nov. 1837.

Encl. 2, in No. 51.

Enclosure 3, in No. 51.

Mercury Office, 22 November 1837.

THE anxiety with which all intelligence from the district of Montreal is sought after, induces us to furnish our subscribers with the following latest particulars, which we copy from the “Morning Courier” of Monday.

Encl. 3, in No. 51.

MARCH of the Troops to *Chambly*;—Arrest of Seven Prisoners on the Road.

Between seven and eight o'clock on Saturday morning, the troops set out for *Chambly*, under Lieutenant-colonel Wetherall, as stated in our Extra. Four companies of the Royals, a party of the Royal Artillery, with two field-pieces, under Captain Glasgow, and from 16 to 20 of the Montreal Volunteer Cavalry, under Captain David, formed the detachment. Among the latter we understand there were a good many of those who had been out on the severe duty of the day before. Lieutenant Ermatinger, in particular, and Messrs. Molson and Ashton, though slightly wounded the day before, were among the number. The deputy-sheriff, Mr. Duchesnay, and S. Bellingham and P. E. Leclerc, esquires, magistrates, accompanied the detachment to authorize its movements.

The spot where the attack was made on Friday upon the cavalry is, as we now learn from parties who have since gone over the ground, from two to three miles out of *Longueuil*. On arriving at the place, the detachment found the waggon in which the prisoners had been conveyed lying by the road-side, a dead horse in the road, and tracks of blood in the field where the assailants had been posted, from which it would appear that some execution was done by the fire of the cavalry previous to their retreat. The houses and barns by the road-side, from which the cavalry had been fired upon in their retreat, were all found with the doors and window-shutters nailed up. A careful search was of course made, but though the fires were still burning in some of them, there were neither weapons nor inmates to be found in any. The party then proceeded along the road, finding the houses, with one or two exceptions only, deserted, and uniformly without arms in them. Scouts were frequently seen mounted, and riding down the several concession roads towards the main road; but on sight of the troops they uniformly started off again. An individual who was met upon the main road stated that, as he came along, he had seen numbers of men, women and children leaving the houses along the road, and going off right and left, the men mostly armed. About six miles from *Chambly* a man was overtaken on the road, armed. When arrested, he admitted that he had turned out to join a party that was designed to intercept the troops. About a mile further, the cavalry, who were in advance of the main body, gave chase to a party of about 30 armed horsemen, whom they saw at some distance before them, and who made off immediately at full speed, turning to the left up a concession road towards the *Belleisle* Mountain. After a mile and a half of hard riding, most of them took to the woods, while the remainder made their escape along the road. A company of the infantry coming up were then ordered into the bush, the cavalry being drawn up along the edge, to cut off such as might be driven out. Some 20 or 30 shots were exchanged; with what effect on the rebels is not known; and two prisoners, named *Mongeau*, father and son, and four horses, were taken. None of the soldiers were hurt. The elder *Mongeau*, when taken, was armed with a horse pistol—the younger with a fuscée. Both had a good supply of ball-cartridge, a part of which they declared to have been served out to them by Dr. Kimber, of *Chambly*, one of the missing heroes of the revolution, whose present *locale* is by many shrewdly conjectured to be south of line 45 degrees. On arriving at *Booth's Tavern*, not far from *Chambly*, a party of about 100 men were found posted just beyond the bridge; but they made off so fast, as the troops came up, that only four of them were taken. The party reached *Chambly* with their seven prisoners a little after sun-down. From the general statements made by the prisoners, it is evident that a large body of men had been called out to oppose the troops, and that courage rather than numbers was wanting to induce them to attempt it. The two *Mongeaux*, we understand, are identified as having been of the party that fired on the cavalry on Friday. The two magistrates and the deputy-sheriff returned on Saturday to the city. The troops, with their prisoners, who are placed in separate confinement, remained at *Chambly*.

We have heard complaints made in some quarters of the small force despatched on the former errand for the arrest of *Demaray* and *D'Avignon*. We believe a very short answer may be made to them. Until the civil force had been proved inadequate, Sir John Colborne could not have been justified in furnishing a military force for such a purpose. The volunteer cavalry were employed in the capacity of special constables on that occasion. The forcible rescue of the prisoners from their hands has happily warranted the stronger measure, which was adopted the next day. We may now look every day for intelligence of the utmost importance. Virtually, the whole neighbourhood in which these events have

occurred

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occurred is already in a state of war. It cannot be long before it will be regularly declared to be, to all intents and purposes, under martial law.

The arrests in this city, of whose nature we spoke with some little uncertainty on Saturday, we have since ascertained to be for high treason, as they ought to be. The arrested parties are all in separate confinement. Those who were taken in arms on Saturday are of course all guilty of treason also.

Since the six arrests on Thursday evening, three others have been made in Montreal, all for the same crime. On Friday evening, Messrs. Joseph Lettore and Dr. B. Lionais, both of St. Athanase, made their appearance in town, much to the surprise of their captors, and were speedily committed to gaol, as much to their own surprise. On Saturday, Mr. Louis Michel Viger, President of the Banque du Peuple, was quietly lodged in the same building, in consequence, it is said, of some peculiarly heavy charges against him, relating chiefly to the financial concerns of the party. If the half of what is currently believed be true, some startling disclosures may shortly be expected of certain means by which the "sinews of war" have been supplied, to aid in the procurement of arms and other matters contraband of war.

The reports that are brought into town by private letters from St. Eustache and its neighbourhood represent the meeting held in that quarter on Friday, of which such flaming reports were spread beforehand, as a very insignificant affair. Not more than from 100 to 150 are said to have been present.

It is generally thought, we believe, that the attack made on the cavalry on Friday was not made with any particular intention of rescuing the two prisoners, the fact of whose arrest was certainly not known, and probably not suspected beforehand by the assailants.

The work of organization goes on bravely in all parts of the city. From the highly satisfactory replies of the Governor and Commander-in-chief, to the request for a general military organization of all loyal citizens, for the defence of the city in case of emergency, it may be confidently expected that Montreal will very shortly be in a condition to spare almost every man of the regular troops now in garrison here, should they be wanted for the defence of the more scattered loyalists through the country. This is as it should be.

The publication of the "Vindicator," it is currently reported, is to be resumed at Burlington. What a capital excuse for certain of the leaders for taking up safe winter quarters south of the line! What a valuable commodity is discretion!

Montreal Herald, Monday Evening, November 20.

The insurrection goes on, as every man of common sense must have anticipated. On Saturday a party of the volunteer cavalry again set out for Chambly, but accompanied by two brass guns and a considerable portion of the Royals. On their march across the country, the cavalry were fired at by a large body of rebels from a considerable distance. The rebels, supposing that they had only the cavalry to meet, as on the preceding day, had stationed themselves on ground impracticable for horses; but the moment the red coats were perceived, the heroes fled as fast as ever did that rewarded and honoured coward, Jacques Viger, from Sackett's Harbour. The battle then became a pursuit; and seven of the unfortunate wretches were captured with arms in their hands, and two of them, of the name of Mongeon, reloading their muskets, when questioned, stated, that Dr. Kimber had ordered the attack. So much for the country; and now for the town. Mr. Louis M. Viger, head of the People's Bank, was arrested on Saturday evening, on a charge of high treason, and lodged in gaol. It seems to be the general opinion, that more than one Viger would be all the better for a little hanging. The People's Bank, by-the-bye, seems to be in a bad way, having lost its clerk, Desriviers, its privy councillor, Brown, and its commander, Viger. Some of the more cautious stock-holders may like to know, that the concern must now be chiefly in the hands of Mr. Jacob De Witt. For the arrest of Beau Viger, the loyalists are mainly indebted to the zeal and activity of certain newly-made special constables. To the same parties is also to be ascribed a pretty extensive search for that miserable poltroon, Papineau, who skulks, as was to be expected, from the storm of his own raising. If the agitator be in the country, he will be found; his very dupes will turn against their tempter and betrayer.

Enclosure 4, in No. 51.

LE LIBERAL. EXTRAORDINAIRE.

Quebec, Samedi, 18 Novembre 1837.

Encl. 4, in No. 51.

AUJOURD'HUI vers midi et demi, nos cinq compatriotes, Messieurs Chasseur, Trudeau, Lachance, Légaré et Morin, injustement et tyranniquement incarcérés et persécutés par le nommé Robert Symes, dont la haine et la fanatisme politique s'étaient en cette occasion enveloppés d'un manteau de magistrat, inutile et faible gaze à travers lequel tout le monde a pu voir à nu Robert Symes l'ennemi acharné, l'ennemi éhonté et juré de tout ce qui porte un nom Canadien; aujourd'hui disons nous, nos cinq compatriotes, sur des *Habeas Corpus*, ont paru devant son Honneur le Juge en Chef de cette Province, qui les a admis à caution pour

pour leur comparution au term de mars, ou devant un cour d'Oyer et Terminer, si une telle cour venait à siéger.

Le cautionnement donné par chacun de ces Messieurs est de 1,000*l.*, savoir :—L'accusé pour 500*l.*, et deux caution de 250*l.* chaque.

Une nombreuse suite d'amis a accompagné ces Messieurs jusqu'à leurs demeures respectives, et les a salués par des *houras* prolongés.

Pour faire voir aux magistrat Robert Symes, que ses odieux procédés n'ont intimidé personne, et qu'on se moque de lui et du pouvoir respectable d'ailleurs, mais dont il a si audacieusement abusé ; et pour donner le plutôt possible à ceux de nos compatriotes qu'il a choisis pour victimes une preuve, entre mille autres, qu'ils n'ont pas été oubliés par leurs coneitoyens pendant leur inique détention, nous publions sur cet Extraordinaire les résolutions votées avec enthousiasme à l'assemblée du Comité Central de Jeudi dernier.

No. 51.

Earl Gosford to

Lord Glenelg,

22 November 1837.

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COMITE CENTRAL et PERMANENT de la CITE et du DISTRICT de QUEBEC.

Séance du 16 Novembre.

Présidence de M. John Teed ; J. E. Turcotte, écr., Secrétaire.

Le comité ayant pris en considération les évènements extraordinaires qui se passent actuellement en cette cité ;

Sur motion de M. Louis Matthieu, secondé par M. Thomas Roach :—

Résolu, Que les vexations arbitraires, et les procédés inconstitutionnels adoptés récemment par le Magistrat Robert Symes, en profitant de son autorité pour incarcérer certains citoyens respectables de Québec, en les détenant dans la prison commune de ce district pour une plus longue période que celle de 24 heures, et en refusant de les admettre à caution, sont de la part du dit Robert Symes des actes qui ne trouvent de justification nulle part, et qui méritent une punition exemplaire.

Sur motion de Charles Hunter, écr., secondé par M. Olivier Fiset :—

Résolu, Que l'arrestation de Messieurs Chasseur, Trudeau, Légaré, Lachance et Morin, sans aucune accusation définie, sur un *warrant* signé par le dit Robert Symes, dont l'autorité est regardée comme une nuisance publique, est un de ces procédés qui doivent essentiellement tendre à détruire l'affection et les liens qui peuvent unir encore les loyaux sujets Canadiens au gouvernement de Sa Majesté, par la connivence et la sanction apparente donnée par le gouvernement local à ces actes de tyrannie et d'oppression.

Sur motion de M. Patrick Heron, secondé par M. Jn. Bte. Hardy :—

Résolu, Qu'une humble adresse soit présentée de la part des citoyens de cette cité à son Excellence le Gouverneur-en-chef, pour le prier de vouloir bien destituer immédiatement le dit Robert Symes de sa commission de juge de paix, en conséquence de ses procédés arbitraires, illégaux et oppressifs, lesquels procédés ayant avec raison attaché pour toujours l'exécration publique au nom du dit Robert Symes ; et qu'un comité de dix membres soit nommé pour préparer la dite adresse et la faire signer par les citoyens de cette ville.

Le dit comité ayant été choisi,

Sur motion de J. E. Turcotte, écr., secondé par M. Louis Charland :—

Resolu, Que convaincus comme nous le sommes de l'innocence et de la pureté des actes et des intentions de Messieurs Chasseur, Trudeau, Lachance, Légaré et Morin, et par conséquent de l'injustice et de la tyrannie qu'il y a dans les procédés adoptés contre eux, et ressentant profondément toutes les vexations et l'arbitraire qu'il y a dans ces actes du plus odieux despotisme, nous approuvons hautement et solennellement la conduite politique de nos compatriotes incarcérés et persécutés, et nous vouons plus solennellement encore au mépris et à l'indignation des habitants du pays tous ceux qui ont pris part à ce bouleversement et à cet anéantissement des droits le plus reconnus et les plus sacrés d'un sujet Britannique ; et que cette persecution inique supportée et bravée par nos compatriotes avec toute la dignité, la force et l'énergie que peuvent inspirer une conscience pure et l'amour de la patrie, est la preuve la plus éclatante qu'ils ont bien mérité de leur pays, et leur assure pour toujours le respect, l'estime et la reconnaissance de leurs compatriotes et de la postérité.

Sur motion de M. Henry Talbot dit Gervais, secondé par M. Charles Carrière :—

Résolu, Que loin d'être intimidés ou arrêtés par les violences et la tyrannie que l'on exerce en ce moment contre cinq de nos compatriotes, nous, les réformistes de la cité et du district de Québec, devons trouver dans ces odieuses persécutions l'indispensable nécessité de nous unir plus fortement que jamais, de nous organiser, et de redoubler notre activité et nos efforts pour repousser les attentats vexatoires de nos ennemis communs.

Ensuite, des remerciemens ayant été votés à M. le Président, le Comité s'ajourna à l'appel de ce Monsieur.

Par ordre, J. E. Turcotte, Secrétaire.

No. 51.
 Earl Gosford to
 Lord Glenelg,
 22 November 1837.

Encl. 5, in No. 51.

Enclosure 5, in No. 51.

REPORT of Ex-COUNCIL on State of the Province, 20 November 1837.

Monday, 20 November 1837.

At the Council Chamber in the Castle of St. Lewis.

Present :

His Excellency the Earl of Gosford, Captain-General and Governor-in-Chief, &c. &c. &c.

The honourable Mr. Stewart,
 Mr. Pemberton,
 Mr. Punet,
 Mr. Debartzch, and
 Mr. Quesnel.

His Excellency laid before the Board the official Report of the Attorney and Solicitor General, dated 18th November 1837, on the disturbed state of certain parts of the district of Montreal, and the measures adopted by them in consequence thereof.

His Excellency further laid before the Council a letter from I. Jobson, a Justice of the Peace, and major of militia, dated St. Valentin, county of Acadie, 16th November 1837, detailing the state of his neighbourhood; and his Excellency having brought under the notice of the Board the present aspect of affairs and the progress of resistance to the civil authorities in certain parts of this Province, requested their advice with reference to the state of the Province generally, the results likely to ensue, and what measures and precautions should be adopted by the Executive, if matters do not take a more favourable turn.

Whereupon it was ordered, with the advice of the Board, that inasmuch as the civil authorities have proved insufficient in certain parts of the District of Montreal to carry the law into effect without the aid of the military force, it will become expedient, should such a state of things continue, to declare those parts of the said district in a state of insurrection and rebellion.

Certified,

George H. Ryland.

Enclosure 6, in No. 51.

REPORT of EXECUTIVE COUNCIL of 22 November 1837.

Wednesday, 22 November 1837.

Encl. 6, in No. 51. At the Council Chamber in the Castle of St. Lewis.

Present :

His Excellency the Earl of Gosford, Captain General and Governor-in-Chief, &c. &c. &c.

The honourable Mr. Stewart,
 Mr. Pemberton,
 Mr. Punet,
 Mr. Debartzch and
 Mr. Sheppard.

His Excellency laid before the Board the official communication from the Attorney-General, stating that warrants had been issued for the apprehension of Louis Joseph Papineau and 26 others, for high treason; and there being reason to suppose that Mr. Papineau had absconded from Montreal, and that he is now in the district of Quebec;

It was ordered, by the advice of the Board, and after having examined Mr. Duval, one of the Queen's counsel on the subject, that immediate steps be taken for the apprehension of Mr. Papineau; and that it being expedient that a warrant, signed by a Justice of the Peace for the Five Districts of Montreal, Quebec, Three Rivers, St. Francis and Gaspé, should issue for this purpose, it was further ordered, that Mr. Duval be directed to draft the warrant in accordance with the advice given by him on the subject.

Certified,

George H. Ryland.

LOWER CANADA.

COPIES OR EXTRACTS
OF
CORRESPONDENCE
RELATIVE TO THE
AFFAIRS OF LOWER CANADA.

(Presented by Her Majesty's Command.)

Ordered, by The House of Commons, to be Printed
23 December 1837.

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OF

CORRESPONDENCE

RELATIVE TO THE

AFFAIRS OF LOWER CANADA.

(LOWER CANADA.	UPPER CANADA.
NOVA SCOTIA.	NEW BRUNSWICK).

(PRESENTED BY HER MAJESTY'S COMMAND.)

(In continuation of Paper presented to Parliament on the 23d December 1837, No. 72.)

*Ordered, by The House of Commons, to be Printed,
16 January 1838.*

SCHEDULE.

LOWER CANADA :

- No. 52.—Copy of a Despatch from Lieutenant-general Sir John Colborne, K.C.B., to the Major-general Lord Fitzroy Somerset, K.C.B., dated Head Quarters, Montreal, 29 November 1837; (three Enclosures) - - - - - p. 3
- No. 53.—Copy of a Despatch from Lord Glenelg to Lieutenant-general Sir John Colborne, K.C.B., dated Downing-street, 30 December 1837 - - - - - p. 6
- No. 54.—Extract of a Despatch from the Earl of Gosford to Lord Glenelg, dated Castle of St. Lewis, Quebec, 30 November 1837; (eight Enclosures) - - - - - p. 7
- No. 55.—Copy of a Despatch from the Earl of Gosford to Lord Glenelg, dated Castle of St. Lewis, Quebec, 6 December 1837; (four Enclosures) - - - - - p. 14
- No. 56.—Extract of a Despatch from Lieutenant-general Sir John Colborne, K.C.B., to the Major-general Lord Fitzroy Somerset, K.C.B., dated Head Quarters, Montreal, 3 December 1837 - - - - - p. 18
- No. 57.—Copy of a Despatch from Lieutenant-general Sir John Colborne, K.C.B., to the Major-general Lord Fitzroy Somerset, K.C.B., dated Head Quarters, Montreal, 7 December 1837; (one Enclosure) - - - - - p. 18
- No. 58.—Copy of a Despatch from Lord Glenelg to Lieutenant-general Sir John Colborne, K.C.B., dated Downing-street, 6 January 1838 - - - - - p. 19

UPPER CANADA :

- No. 59.—Copy of a Despatch from Lieutenant-governor Sir F. B. Head, Bart., to Lord Glenelg, dated Toronto, 25 October 1837; (one Enclosure) - - - - - p. 21
- No. 60.—Copy of a Despatch from Lieutenant-governor Sir F. B. Head, Bart., to Lord Glenelg, dated Toronto, 3 November 1837; (one Enclosure) - - - - - p. 21
- No. 61.—Extract of a Despatch from Lieutenant-governor Sir F. B. Head, Bart., to Lord Glenelg, dated Toronto, 18 November 1837; (two Enclosures) - - - - - p. 23

NOVA SCOTIA :

- No. 62.—Copy of a Despatch from Major-general Sir Colin Campbell, K.C.B., to Lord Glenelg, dated Government House, Halifax, 16 December 1837; (two Enclosures) - p. 24

NEW BRUNSWICK :

- No. 63.—Extract of a Despatch from Major-general Sir John Harvey, K.C.B., to Lord Glenelg, dated Government House, Fredericton, 5 December 1837 - - - - - p. 27
- No. 64.—Extract of a Despatch from Major-general Sir John Harvey, K.C.B., to Lord Glenelg, dated Government House, Fredericton, 8 December 1837; (one Enclosure) - p. 27

COPIES or EXTRACTS of CORRESPONDENCE relative to the AFFAIRS of
LOWER CANADA, &c.

LOWER CANADA.

—No. 52.—

COPY of a DESPATCH from Lieutenant-general Sir *John Colborne*, K.C.B., to the Major-general Lord *Fitzroy Somerset*, K.C.B., dated Head Quarters, Montreal, 29 November 1837.

LOWER
CANADA.

No. 52.

Sir J. Colborne to
Lord F. Somerset,
29 November 1837.

My Lord,

I HAVE the honour to acquaint you, for the information of the General Commanding in Chief, that, since my Despatch of the 20th instant, the revolt has been rapidly extending, and that the law officers of the Crown and the magistrates of Montreal having applied to me for military force to assist the civil power in apprehending Mr. Papineau, and other traitors, who were supposed to be at the villages of Saint Denis and Saint Charles, I ordered strong detachments to support the civil authorities in the execution of their duty.

Saint Denis is seven miles to the northward of Saint Charles, on the right bank of the river Richelieu; the former 16 miles from Sorel, the latter about 17 from the ferry of Chambly, opposite Pointe Oliviere.

Colonel Gore and Lieutenant-colonel Hughes, with five companies and a howitzer, were ordered to proceed from Sorel to Saint Denis, and five companies and two guns to move from Chambly on Saint Charles, under the command of Lieutenant-colonel Wetherall, of the Royal regiment, accompanied by two magistrates, to execute the warrants against those individuals charged with high treason; and it appeared probable that the sudden appearance of the troops at these points, and entering the villages nearly at the same time, would afford an opportunity of taking into custody the leaders of the revolt.

The Sorel detachment, under the superintendence of Colonel Gore, marched at 10 o'clock on the night of the 22d, by a back concession road, to avoid the village of Saint Ours, occupied by the rebels, which increased the distance of the march.

The incessant rain, and almost impassable roads, so impeded the progress of the detachment, that he did not reach Saint Denis until half-past nine on the morning of the 23d; the rebels, on the approach of Her Majesty's troops, commenced a heavy fire on them from all the houses on the north side of the village; some of these were immediately taken by the light company of the 32d regiment, commanded by Captain Markham, but the fire from the howitzer having made little impression for several hours on a large stone building, strongly occupied, and the whole of the companies of the detachment being much exhausted, from the very long and difficult march of the previous night, Colonel Gore considered it necessary to return to Sorel.

Colonel Wetherall, with four companies of the Royal regiment, and a detachment of the 66th regiment, and two six-pounders, passed the Richelieu by the upper ferry at Chambly; the bad state of the roads, however, impeded his march, and prevented him proceeding further than Saint Hilaire, at which place he halted till another company of the Royals joined him; he then advanced on Saint Charles, attacked the rebels, carried an enclosed work defended by 1,500 men, and completely dispersed them.

The advanced period of the season, and the constant expectation of the navigation becoming impracticable, the passage of the river being interrupted, it became necessary to use the utmost exertion, with a view of restoring order in the revolted district.

The troops which have been called to act in the disturbed districts, and to put down this sudden and extensively combined revolt, have had to contend with great difficulties; their communications with head quarters having been completely interrupted by the armed peasantry assembled on the line of march.

Many of the deluded inhabitants are returning to their homes, and I trust
80. that

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CANADA.

No. 52.

Sir J. Colborne to
Lord F. Somerset,
29 November 1837.

that the affairs which have taken place may be the means of quickly restoring tranquillity in the country.

I am much indebted to Lieutenant-colonel Wetherall, for his active zeal and judicious conduct on many occasions in which he has been employed at this critical period.

I forward the reports of Colonel Gore and Lieutenant-colonel Wetherall, which will afford the General Commanding in Chief full information of the proceedings of the detachments under their command, and returns of killed and wounded.

Captain Markham, an intelligent and zealous officer, has received several severe wounds.

I cannot close my Despatch without mentioning the exertions of Captain David and the Montreal Volunteer Corps of Cavalry, who accompanied the troops on the service in which they have been engaged.

I have, &c.

(signed) *J. Colborne*, Lieut.-gen.

Enclosure 1, in No. 52.

Sir,

Montreal, Nov. 25, 1837.

Encl. 1, in No. 52.

In obedience to your commands, I left this garrison with the flank companies of the 24th regiment, under the command of Lieutenant-colonel Hughes, the light company of the 32d regiment, commanded by Captain Markham, one howitzer twelve-pounder, under Lieutenant Newcomen, Royal Artillery, and a party of the Montreal cavalry, under Cornet Sweeney, on board the St. George steamer, at three o'clock P.M. on the 22d instant, on route to Sorel, where I disembarked at six o'clock, and placed the men in the Barrack-square; I directed Captain Crompton to be prepared to march at 10 o'clock, when, according to my instructions, I proceeded on the road to St. Denis, on the river Richelieu, which I was directed to carry, and then move on rapidly to assist Lieutenant-colonel Wetherall, of the Royal regiment, in his attack on St. Charles.

The roads being deep, the march was severe (although the distance was only 18 miles), it having rained violently all night, the mud and water reaching to the knees; I did not reach the small but rapid river which crosses the road four miles and a half from St. Denis, until some time after daylight; in order to arrive at my destination with as little delay as possible, I took the back road, to avoid the village of St. Ours and pass the small river by a bridge, higher up than the one by the main road, also for the purpose to take on an intelligent guide, who had volunteered to lead.

After passing the bridge, I observed an armed party leaving the lower one, who had been sent to oppose our crossing, and who flanked our line of march, but I did not waste time in dispersing them, but moved on to my point, which was now frequently impeded by the breaking up of the bridges. Several, however, were saved by Cornet Sweeney's detachment of cavalry, who took two armed peasants, but could gain no positive information as to the intentions of the rebels. On approaching St. Denis, a strong body of armed men, moving along a wood, skirted my left flank; all the houses along the road were deserted, and on nearing St. Denis, I was attacked by skirmishers occupying the houses and barns on the road and along the banks of the river Richelieu; these were rapidly driven in by Captain Markham to the main entrance. I found the place was strongly occupied, and the entrance defended by a large fortified stone house, and a barricado crossing the road, and flanked from a building and houses, from which a severe fire was commenced. I immediately reinforced the advance with Captains Crompton's, Maitland's and Harris's companies, and placing the howitzer in a position off the right of the road, at a range of 350 yards, directed Lieutenant Newcomen to fire round shot into it, and batter it down, if possible; on examining the house, I found it too well secured and flanked, and the incessant firing showed it to be well occupied. The armed force of the rebels, from what I can ascertain, was full 1,500 men, but report said nearer 3,000. During these operations the rebels were crossing the Richelieu in large bateaux, from St. Antoine, but I could not spare shot from the fortified house to obstruct their passage; Captain Markham got possession of a house immediately opposite to the fortified house, driving out the occupants at the point of the bayonet, but was almost immediately wounded in three places. The day was now advancing; it was evident that the whole country was in arms, and no important effect was made on the fortified house, and 60 round shot expended, and only six left; and the ground we occupied could hardly have been maintained during the night; it was necessary to come to some decision, either to assault the house so well defended, and flanked by others loop-holed, or to fall back before the bridge in my rear could be broken down. The hazard of a failure under such circumstances, and the jaded condition of the men, frost having succeeded the rain and snow, and their clothes freezing on them, determined me to fall back; and having collected the wounded and placed them in such carts as we had, and the howitzer in the centre, I directed Lieutenant-colonel Hughes to take the direction of the rear-guard, and fell back. I was immediately followed by strong bodies of the rebels in rear and on my right flank, who were checked by the rear-guard, and having observed that a strong force had been detached in the direction of the upper bridge, by which I had passed in the morning, on arriving where the road branched off to the two bridges, I turned to my left

to

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Encl. 1, in No. 52.

to the lower bridge, having ascertained that St. Ours was not fortified, and rid myself of the rebels, who were skirting my right flank. On crossing the bridge, the artillery horses gave up altogether, and two of them fell; the infantry went immediately to the gun, and every exertion was made to get it on; the officers' horses and those of the ammunition waggon were put to the gun, but without effect; the wheels clogged with mud were now frozen, and after seven hours' severe toil, and during which Lieutenant-colonel Hughes never left the gun, the medical officer declared that half an hour more would freeze the men. The gun was spiked and abandoned. I then moved to St. Ours, where I was in hopes of finding the steam-boat, Varennes, ordered to meet us with provisions, but she had been attacked by 200 armed persons, and forced to cut her cable and return.

I passed through the village, and halted at some farm-houses, a mile on, to refresh the men, and proceeded in the morning, at daylight, to Sorel, where I arrived at 11 o'clock in the morning of the 24th. My loss in killed and wounded, by the accompanying returns, is one officer severely wounded (Captain Markham), and 19 killed and wounded, and four missing; the loss of the rebels must have been about 100, which has since been confirmed. I have not yet received a correct return of the two companies of the 66th regiment, but I do not think they lost more than one or two. I enclose a detailed report from Lieutenant Newcomen on the loss of the howitzer, who deserves much praise for his conduct.

In this arduous march, and during the whole of the operation, the officers and men displayed the highest courage and steadiness, although exposed to extreme suffering.

I was much indebted to Lieut.-colonel Hughes, of the 24th regiment, for the advice and assistance I received from him, and his exertions to extricate the gun; and also to Lieut. Lysons, of the Royal regiment attached to the Quartermaster-general's department, for his zealous and active conduct; in Captain Markham, of the 32d regiment, who led the advance with great judgment, and was severely wounded, the service will be deprived for some time of a most valuable officer; Surgeon Farndon, of the Royal regiment, and Assistant-surgeon MacGrigor, of the 32d regiment, rendered every assistance in their power, and made the best arrangements for the wounded.

I have, &c:

Lieut.-general Sir John Colborne,
K.C.B. and G.C.H., &c. &c. &c.

(signed) Charles Gore, Col.

RETURN of Killed, Wounded and Missing.

Killed - - - 24th regiment; 1 serjeant, 2 rank and file.
32d regiment; 2 rank and file.
66th regiment; 1 rank and file.
Wounded - - - 24th regiment, 2 rank and file, severely; 2 rank and file, slightly.
32d regiment, Captain Markham, severely, but not dangerously; 3 rank
and file, severely; 2 rank and file, slightly.
Missing - - - 24th regiment, 1 rank and file.
32d regiment, 4 rank and file (1 wounded).
TOTAL - - - Killed, 1 serjeant, 5 rank and file.
Wounded, 1 captain, 9 rank and file.
Missing, 6 rank and file.

Enclosure 2, in No. 52.

Sir,

St. Charles, 27 November 1837.

I HAD the honour, yesterday, to report the successful result of my attack on the stockaded post of the rebels at this place. Encl. 2, in No. 52.

In my letter of the 25th November, I stated the circumstances which induced me to suspend my march towards St. Charles, and to order a company from Chambly to my support, and I then said that I should wait at St. Hilaire for his Excellency's further orders: this despatch was sent by Dr. Jones, of the Montreal cavalry, and I hoped for his Excellency's answer during the following night. Not having received it, at nine yesterday morning, I concluded that my messenger had been interrupted, and having learned that the basin, at Chambly, was frozen over, and every probability of a retreat being cut off, should such an event occur, I resolved on the attack.

The march was accomplished without opposition or hindrance, except from the breaking down of the bridges, &c. &c., until I arrived one mile from this place, when the troops were fired at from the left, or opposite bank of the Richelieu, and a man of the Royal regiment wounded; several rifle shots were also fired from a barn immediately in our front. I burnt the barn.

On arriving at 250 yards from the rebel works, I took up a position, hoping that a display of my force would induce some defection among these infatuated people; they, however, opened a heavy fire, which was returned. I then advanced to another position, 100 yards from the works, but, finding the defenders obstinate, I stormed and carried them, burning every building within the stockade, except that of the Honourable Mr. Debartsch, which, however, is much injured. The affair occupied about one hour. The slaughter on the side of the rebels was great; only sixteen prisoners were then made. I have counted 56 bodies, and many more were killed in the buildings and their bodies burnt.

I shall occupy this village until the receipt of his Excellency's orders.

80.

My

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Encl. 2. in No. 52.

My killed and wounded are as follows :

The Royal regiment, 1 serjeant, 1 rank and file, killed ; 8 rank and file severely wounded
7 rank and file slightly wounded.

66th regiment, 1 rank and file killed ; 2 rank and file severely wounded ; 1 rank and
file slightly wounded.

TOTAL.—1 serjeant, 2 rank and file, killed ; 10 rank and file severely wounded ; 8 rank
and file slightly wounded.

Every man and officer behaved nobly yesterday. Major Warde carried the right of the
position in good style, and Captain Glasgow's artillery did good execution ; he is a most
zealous officer. Captain David's troop of Montreal cavalry rendered essential service during
the march, and I regret that more are not attached to my force.

My horse was shot under me, and the chargers of Major Warde and Captain David
severely wounded—since dead.

I have, &c.

(signed) *G. W. Wetherall,*
Comd 2d Batt. the Royal Regt.

The Deputy Adj^t-general, &c. &c. &c.
Montreal.

Enclosure 3, in No. 52.

Sir,

Chambly, 28 November 1837.

Encl. 3, in No. 52.

I HAVE the honour to report my return to Chambly this evening, with the troops under
my command.

Having received authentic information, at St. Charles, on Sunday night, that a considerable
body of the rebels had assembled near Point Oliviere, under Saniere, for the purpose of
cutting off my retreat from St. Charles, I resolved upon attacking them in preference to
marching on St. Denis ; my march was so delayed by the difficulty of procuring conveyance
for the wounded men, that it was too late to proceed when I arrived at St. Hilaire.

This morning I continued my march, leaving the sick and wounded at St. Hilaire, in the
house of Colonel de Rouville, and a guard of one serjeant and 15 men, in charge of Dr. Sewell,
of the Montreal cavalry, where I propose that they shall remain until the ice on the river
will admit of their being transported in sleighs.

About a mile from St. Oliviere, the rebels were discovered in a position well adapted to
check my progress ; they had protected themselves with an abattis, and two contemptible
guns mounted on carts ; they fled as soon as I formed to attack, relinquishing their guns,
which are in my possession ; a few shots were exchanged, by which two men of the rebels
were killed. I burnt a house from which they fired on their retreat. With the exception of
a few straggling shot from the opposite side of the Richelieu, I reached this station without
further opposition.

I have brought in 25 prisoners, and propose marching with them to Montreal, *via* St. John's
and the Railway, the day after to-morrow, should I not receive counter orders.

The party assembled at St. Denis have broken up since the affair of St. Charles.

I have, &c.

(signed) *G. W. Wetherall,*
Lieut.-col. the Royal Regiment.

The Deputy Adj^t-general, Montreal.

— No. 53. —

(No. 5.)

COPY of a DESPATCH from Lord *Glenelg* to Lieut.-gen. Sir *John Colborne*, K. C. B.,
dated Downing-street, 30 December 1837.

No. 53.

Sir,

I HAVE received Lord Gosford's Despatch of the 22d November, describing
the occurrences which, up to that date, had taken place in Lower Canada ; and
the General Commanding in Chief has laid before Her Majesty's Government your
Despatch to Lord F. Somerset of the 29th November, reporting the measures
which you had adopted in consequence of the demand of the law officers of the
Crown and the magistrates of Montreal for the repression of attempts made by
bodies of armed persons to disturb the peace of the country, and to resist the
power of the law.

I have had the honour to lay these communications before The Queen, and
I have to convey to you Her Majesty's approbation of the vigour and decision with
which you have acted under the difficult circumstances in which you have been
placed. Her Majesty has also observed with much satisfaction the steadiness and
gallantry displayed by the troops employed on this arduous service ; and I am
commanded, especially, to express Her Majesty's sense of the zeal and judgment
evinced

*Vide Papers pre-
sented to Parlia-
ment, 23 Dec. 1837.
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Lord Glenelg to
Sir John Colborne,
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evinced by Lieutenant-colonel Wetherall on the several occasions in which he has been employed. I cordially concur with you in the hope that what has recently occurred may be the means of quickly restoring tranquillity to the country. In my Despatches of the 27th ultimo, and 6th instant, Her Majesty's Government, acting on the recent information of the state of Lower Canada, communicated to them by Lord Gosford, conveyed to you full authority for using all the resources at your command for the maintenance of order and tranquillity, and for the protection of the loyal inhabitants of the Province..

Her Majesty's Government have since learned, with the most serious regret, the extent of the insurrectionary spirit in the districts lying near the Richelieu. This information reached them, though not officially, on the 23d instant. Her Majesty's Government felt it their duty, in consequence, to propose, that the period for which it was before intended that Parliament should adjourn should be considerably abridged, in order that no time might be lost in submitting to Parliament those measures which they feel the present state of affairs in Lower Canada to demand.

This proposal having been agreed to, Parliament will meet on the 16th January, on which day this subject will be brought under the consideration of The House of Commons, in pursuance of a notice which has been given to that effect by Lord John Russell.

I shall take the earliest opportunity of communicating to you the result of the proceedings in Parliament on this important question. My separate Despatch of this date will inform you of the military arrangements which have been made in order to give you the utmost support, in the adoption of effectual measures to check the progress of revolt, and restore the authority of the law.

Her Majesty's Government place full reliance on the judgment and energy with which you will conduct the affairs of the Province in its present circumstances; and I earnestly hope that the unhappy contest which has unfortunately arisen will be terminated at a very early period, and with as little injury to the interests and welfare of the Province as, under such circumstances, may be possible.

Her Majesty cannot contemplate the bloodshed and misery in which a portion of her subjects have involved themselves, without the deepest feeling of regret for the necessity which has occasioned the active services of her troops in one of the Provinces of the British Empire.

The Queen, however, entertains the fullest confidence, that, so far as depends on yourself, these evils will be restricted within the narrowest possible limits, and that on the part of her loyal and faithful subjects in the Province, no vindictive feeling will mingle itself with their zealous and strenuous endeavours, under your guidance, to put down insurrection and revolt, and to vindicate the authority of the law; but that their conduct will be equally marked with moderation as with firmness.

I have to request that you will furnish me with early and frequent intelligence of the course of events, and you may rely on a prompt attention being given by Her Majesty's Government to any suggestion which you may offer, calculated to strengthen your hands, and give greater efficiency to the local government.

I have, &c.

(signed) *Glenelg.*

— No. 54. —

(No. 123.)

EXTRACT of a DESPATCH from the Earl of Gosford to Lord Glenelg, dated Castle of St. Lewis, Quebec, 30 November 1837.

My Lord,

IN my Despatch of the 22d instant, No. 121, I reported to your Lordship the unfortunate result of an expedition of the civil force sent from Montreal to St. John's, with warrants for the arrest, on the charge of high treason, of certain individuals, who were rescued on the 17th by an armed body of inhabitants; and I now propose to give your Lordship as connected an account as the information in my possession will permit of subsequent occurrences.

On the return of the police to Montreal without their prisoners, the Attorney-general caused three depositions of what had occurred to be laid before Sir John Colborne,

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Lord Glenelg,
30 November 1837.*Vide Papers pre-
sented to Parlia-
ment, 23 Dec. 1837.
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Lord Glenelg,
30 November 1837.

Encl. No. 1.
17 Nov. 1837.

Encl. No. 2.
18 Nov. 1837.

Encl. No. 3.
22 Nov. 1837.

Vide Papers laid
before Parliament,
23 December 1837.
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Vide Encl. No. 4,
and Despatch,
29 Nov., No. 52.

Colborne, the Lieutenant-general commanding (who has fixed his head quarters for the winter in that city), with a letter from a justice of the peace particularizing the events of the day, and calling upon him for military aid to assist in enforcing the civil authority. Accordingly, on the morning of the 18th, a brigade, consisting of four companies of the Royal regiment, with two field-pieces (six-pounders) were directed to proceed to Chambly, by Longueuil, under the command of Lieutenant-colonel Wetherall, accompanied by the deputy sheriff of Montreal, two magistrates, two peace officers and 15 mounted police, with instructions to assist in arresting such of the individuals as could be identified as having taken a part in the rescue of the preceding day, and thus made themselves principals in treason.

During the march to Chambly, armed parties were observed assembled at different points, apparently with an intention to offer resistance; but they fled upon a near approach of the troops, after an exchange, in one instance, of a few harmless shots. Seven of the fugitives were, however, taken prisoners with arms in their hands; and Lieutenant-colonel Wetherall closes his report with stating that the whole country was in arms, but evidently panic-struck.

Shortly after Colonel Wetherall had occupied Chambly, where it was, I believe, intended that a military force should be stationed for the winter, intelligence was received by the civil authorities in Montreal that Mr. T. S. Brown, who was wounded in the riot at Montreal (as mentioned in my despatch of the 9th instant, No. 116), had collected a considerable force at St. Charles on the river Richelieu, and that Papineau, O'Callaghan and Wolfred Nelson, against all of whom warrants for high treason had been issued, had done the same at St. Denis, six or seven leagues distant from St. Charles, lower down the river; and application was made to the military authorities to assist in the apprehension of these individuals. Five companies, with one six-pounder, and a small detachment of the Montreal mounted police, were, in consequence, despatched from Sorel, under the command of the Honourable Colonel Gore, on Wednesday night, the 22d instant, for St. Denis; and after a very harassing march of 12 hours, through most inclement weather, and over roads rendered almost impassable by previous heavy rains, arrived there about ten o'clock on the following morning. The insurgents were found posted in great force, under Dr. Wolfred Nelson, as it is understood; and, on the appearance of the troops, commenced a sharp fire upon them, especially from a large stone house at the entrance of the village, which was barricaded and fortified. The resistance was so determined that, after exhausting nearly all their ammunition, the troops were ordered, at about two o'clock, to retire upon Sorel, having lost six or eight men killed, and ten or twelve wounded; amongst the latter was Captain Markham, of the light company of the 32d regiment, who received four wounds, but, I am happy to say, that none of them are thought dangerous, and he is at present at Montreal doing well. In the retreat, which was conducted deliberately and in great order, it was found necessary, from the badness of the roads, to leave the field-piece behind, after spiking it. The detachment reached Sorel in safety, on Friday the 24th, after bivouacking one night on the road. The loss of the insurgents in this affair has not been ascertained, but it is supposed that they suffered in greater proportion, and Mr. Ovide Perrault, a Member of the Assembly, is reported to be amongst the slain. I regret to add, that Lieutenant Weir, of the 32d regiment, who had been sent with Despatches to Lieutenant-colonel Wetherall, was, when returning to join Colonel Gore's division, taken prisoner, and there is, I fear, every reason to apprehend that he has been put to death.

On the same night (the 22d) that Colonel Gore left Sorel for St. Denis, Lieutenant-colonel Wetherall marched from Chambly with five companies, two pieces of artillery and about 20 mounted police, upon St. Charles, the object being that he should arrive there and make his attack at the same moment that Colonel Gore attacked St. Denis; but the badness of the roads and weather, and the destruction of the bridges by the insurgents, frustrated this design, and Colonel Wetherall did not reach St. Charles until Saturday noon, the 25th, when, within about a mile of the place, the troops were fired upon from the left or opposite bank of the Richelieu, and a man of the Royal regiment wounded; several rifle shots were also fired from a barn in their front, which was immediately burnt by the troops. The Colonel then took up a position, at first about 250 yards from the works which had been thrown up by the rebels, in the hope that a display of his force would induce some defection in their ranks; but on their opening a heavy fire he advanced nearer, and ultimately stormed

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stormed and carried the stockade, after an hour's fighting. The slaughter among the insurgents was very great; an individual who left St. Charles on Monday, the 27th, two days after the engagement, states, that he saw upwards of 152 bodies interred, and that there remained many more, besides a great number killed in the buildings and burnt with them. It is supposed that their wounded amounted to about 300. The loss on the side of the troops was three killed and 18 wounded. The detachment, having accomplished the object of its mission, then fell back upon Chambly, where I suppose it has safely arrived.

More recent, but not official, accounts state that the rebels had, subsequent to the affair at St. Charles, abandoned St. Denis; but whether they dispersed to their homes, or retired upon some other position, I have not yet been able to ascertain.

From this statement your Lordship will perceive that the country about the river Richelieu is in a state of open rebellion; and the accounts I have received from the county of the Two Mountains and other parts of the district of Montreal, leave me no room to doubt that the supremacy of the laws is there at an end, and that any attempt by the civil authorities to exercise their legitimate functions and to enforce order would be met with the same armed and treasonable resistance.

The measures I have adopted, in order to prevent the spread of rebellion, and to put down the attempts avowedly made to overturn the Government, will, I trust, meet with the approbation of Her Majesty; they have been dictated by a sense of their urgent necessity, and were not resorted to without anxious deliberation and an entire conviction that the time had arrived when their adoption could no longer be safely deferred. I have, therefore, in addition to the force directed to be raised at Montreal and in the eastern townships, as already reported, authorized the embodying and paying, as troops of the line, 800 men, for the purpose of assisting, until the 1st of May next, in the performance of garrison and other military duty, and as required for the security of the fortress in case of attack. Enclosure, No. 5, is a copy of the conditions on which this corps has been raised; and, on similar conditions, an additional number of 250 men for the artillery service have, on the application of the officer commanding that force, and on the recommendation of the commandant of the garrison, been also organized. I have further sanctioned the formation of unpaid volunteer corps in this city and elsewhere, furnishing them only with arms and accoutrements, which are to be returned when the occasion for which they are supplied shall have ceased to exist. These measures, in which Sir John Colborne has concurred, were the more necessary, as troops from the lower provinces might not, at this particular period of the year, be enabled to come to our assistance for some time, although three expresses have been forwarded by Sir John to urge their making the attempt, and, by the existing law, the militia of the province can, I believe, be called out only in case of war with the United States, or invasion or imminent danger thereof.

Encl. No. 5.
Nov. 1837.

I have also, with the advice of my Council, and upon the recommendation of the Attorney-general, this day issued Proclamations, offering a reward of £. 500 for the apprehension of Mr. Papineau, and of lesser sums for the apprehension of the 19 other individuals mentioned in the Enclosure, No. 6, against all of whom warrants for high treason have been issued. I have at the same time published the enclosed monitory Proclamation, No. 7, inviting the deluded *habitans* to return to their allegiance, offering in that case forgetfulness and immunity for the past, with a continuance of that paternal protection hitherto enjoyed by them under British sway, and calling upon all loyal subjects to maintain the authority of The Queen, and to counteract the rebellious designs of the disaffected. What may be the effect of this address upon the minds of the misguided peasantry it is difficult to say; they have disregarded my former warnings, the pastoral letter of their countryman, the Roman catholic bishop of Montreal, and the peaceful advice of their clergy, and it may be that my present proclamation will meet with no better reception. Adverting to this contingency, it has become a serious question with me, whether the insurgent localities should not, as a matter of absolute necessity, be placed under martial law, and I cannot abstain from expressing a fear that I shall be compelled, though with the deepest reluctance, ultimately, and, perhaps, almost immediately, to resort to this severe, but, if matters do not mend, indispensable measure. Indeed, the great majority of the magistrates of the city of Montreal, in formal

Encl. No. 6.

Encl. No. 7.
29 Nov. 1837.

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Encl. No. 8.
27 Nov. 1837.

session, have recently addressed me, urging its immediate adoption. The Executive Council also, in their report, dated the 20th instant, which accompanied my last Despatch, have, as your Lordship is aware, recommended that the disturbed portion of the district of Montreal should be declared to be in a state of insurrection and rebellion. And the Attorney and Solicitor-general, with whom I communicated on the subject, expressed their opinion, after discussing the question at some length, that such power is vested in Her Majesty and her representative in the Province.

In these circumstances, and should no favourable turn take place, it will become an act of painful but positive duty to employ all the resources lawfully at my disposal for the restoration of order and the maintenance of the connexion between Great Britain and the Province.

I forward this Despatch by New York, although I am not without apprehension that it may be intercepted; indeed I have been obliged to give directions to the deputy postmaster-general to open a communication by a different route with Montreal, as, when the navigation closes, there is every reason to fear that the ordinary post road will be no longer safe.

I have, &c.
(signed) *Gosford.*

Enclosure 1, in No. 54.

Sir,

Montreal, 17 November 1837.

Encl. 1, in No. 54

I AM directed by the Lieutenant-general commanding to desire that you will be prepared to march to-morrow morning, with the battalion under your command, for Chambly, *via* Longueuil, at seven o'clock A. M.

In consequence of the occurrences of this morning, the magistrates have applied for a military force to aid them in arresting certain persons who were concerned in firing at the constables in charge of prisoners in their custody for high treason; you are therefore to accompany the deputy sheriff or magistrate, and endeavour to assist them in arresting the offenders. Should they resist the civil power, or fire on the troops, you will fire on the rebels, and also destroy any house from which they may fire. Major Jackson has been directed to detach two light six-pounders to accompany you.

I have, &c.
(signed) *Charles Gore,*
Lieutenant-colonel Wetherall, Deputy Quartermaster general.
Commanding 2d Battalion Royal Regiment.

Enclosure 2, in No. 54.

Sir,

Chambly, Saturday Evening, 18 November 1837.

Encl. 2, in No. 54.

I DO myself the honour to report the arrival of the battalion under my command at Chambly at half-past four this evening.

At Longueuil we found all the houses closed, but the inhabitants at home; from that place, for seven miles, every house was closed or barricadoed, and not a man, woman or child to be seen.

The houses from which the cavalry were fired at were searched, but no arms or ammunition found; the female inhabitants and children were concealed in the woods, and the men were reported to have gone to Boucherville. The person who commanded the party who fired at the cavalry is said to be Mr. Viger, of that place. We apprehended one man armed and concealed in a hay-loft at an auberge about six miles from this place, and, owing to the great alertness and zeal of Captain David and his party, several armed parties, who apparently had assembled to resist us, were discovered, and fled on nearer approach. We apprehended six, two of them in a wood in which a party, abandoning their houses, took refuge; I detached Captain Bell's company to scour the woods, and several shots were exchanged, but no personal injury done to my knowledge. The above men were taken with arms in their hands, and ammunition was distributed to them last night by Dr. Kimber of this place, at a large meeting held near his house; Dr. Kimber has since fled to the United States. About 300 armed men had taken up a position near the river at Boothe's farm, for the purpose of resisting the volunteer cavalry, and they showed so good a front that I imagined that they would fulfil their determination. At the approach of my advanced guard they fled in all directions, and the cavalry succeeded in capturing them; all the prisoners are now in my custody, seven in number. In making these captures, we diverged from our route on some occasions, and in the villages off the high road every house was deserted; the whole country, in fact, is in arms, but evidently panic-struck. I request orders for the disposal of the prisoners, whose names are in possession of the magistrates.

I have, &c.
(signed) *G. A. Wetherall,*
Colonel the Honourable Charles Gore, Commanding Royal Regiment.
Deputy Quartermaster-general.

Enclosure

AFFAIRS OF LOWER CANADA, &c.

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No. 54.

My dear Lord,

Montreal, 22 November 1837.

THE civil authorities having received intelligence that Brown has collected a considerable number of inhabitants at St. Charles, and that Papineau and O'Callaghan are with Nelson at St. Denis, they have called for the military to assist them in apprehending these persons. Colonel Wetherall will therefore move with five companies and two guns from Chambly this night, so as to arrive at St. Charles about daylight. Lieutenant-colonel Hughes will leave Sorel with five companies and one gun at midnight, and reach St. Denis about the same time that Colonel Wetherall appears before St. Charles.

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Lord Glenelg,
30 November 1837.
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It is of the greatest importance to drive the leaders of the revolt from their resting-places.

His Excellency the Earl of Gosford,
&c. &c. &c.

I remain, &c.
(signed) J. Colborne.

Enclosure 4, in No. 54.

My dear Lord,

Montreal, 24 November 1837.

I REGRET to inform you that the five companies which marched on St. Denis from Sorel, on Wednesday, under the command of Colonel Gore and Lieutenant-colonel Hughes, met with so much resistance at St. Denis, in consequence of the houses being strongly occupied, that he retired from that place towards Sorel about two o'clock yesterday. I have received no report from Colonel Gore of the affair; but the magistrates who accompanied him returned early this morning, and have communicated to me this intelligence.

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I have not yet heard from Colonel Wetherall, who was on his march towards St. Charles about 12 o'clock on Wednesday night, and might have arrived at St. Charles about 10 o'clock on Thursday morning the 23d.

The civil war has now commenced, and I entreat your Lordship to form volunteer corps at Quebec, and to raise a corps for general service.

I remain, &c.
(signed) J. Colborne.

Enclosure 5, in No. 54.

CONDITIONS for raising a CORPS, to be called "The ROYAL VOLUNTEERS," to perform or assist in performing Garrison or other military duty.

1. THE CORPS.

This corps is to be composed of Her Majesty's subjects residing within the district of Quebec, is to be called the "Royal Quebec Volunteers," and is to be embodied until the 1st of May 1838, unless sooner disbanded by the Governor-in-chief.

Encl. 5, in No. 54.

The corps will be furnished with arms and accoutrements by the Government, and such of the men as may be found to require them will receive great coats, which must be delivered up when the corps is disbanded, or accounted for if lost or damaged.

The corps, when completed, will be inspected by the Governor-in-chief, and it is to be understood that such men as shall be found unfit for service shall be replaced with proper persons by the officer commanding the company to which such unfit men may belong.

The corps is to consist of 10 Companies, and to be officered as follows:—1 Major commanding, 10 Captains of Companies, 10 Lieutenants, 10 Ensigns, 1 Adjutant, 1 Paymaster, 1 Quartermaster, 1 Surgeon, 1 Serjeant-major, 40 Non-commissioned Officers, 800 Rank and File.

2. THE OFFICERS.

The officers of the corps are to be appointed by the Governor-in-chief, and commissions will be given by his Excellency to the officers of each company as soon as the same is complete.

The officers, except such as hold commissions in Her Majesty's service, will rank junior to all officers of their respective grades in the line; none are to be considered as having any claim to half-pay or other allowance in right of their commissions after the corps shall have been disbanded.

3. THE NON-COMMISSIONED OFFICERS.

The staff-serjeants are to be named by the major commanding, and the other non-commissioned officers by the captains of the respective companies, subject to the approval of the major commanding.

The non-commissioned officers are to be subject to reduction by order of the major commanding.

4. THE RANK AND FILE.

The men to be raised to serve in this corps are to be between the ages of 19 and 50, not to be under five feet three inches in height.

The men are to be enrolled under articles of agreement, which each man shall sign in the presence of two witnesses.

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5. THE PAY, &c.

The pay and rations to be the same as those allowed to Her Majesty's regiments of the line.

The pay of the corps will be issued upon estimates made up by the commanding officer.

The pay and rations will commence to each company as soon as the same is complete.

6. THE PAYMASTER.

The paymaster will be required to lodge with the Governor-in-chief security for the faithful performance of his duty, viz., himself in 500*l.*, and two sureties in 250*l.* each. The paymaster will adhere as much as possible to the regulations in force for the guidance of paymasters in the regiments of the line.

7. DISCIPLINE.

Any man who conducts himself in an unsoldierlike manner is to be forthwith dismissed, and to forfeit his pay, in addition to any other punishment that may be awarded to him.

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Encl. 6, in No. 54.

Louis Joseph Papineau, M. P. P.
Dr. Wolfred Nelson.
Thomas Storrow Brown.
Joseph Toussaint Drolet, M. P. P.
Edmund B. O'Callaghan, M. P. P.
Joseph J. Girouard, M. P. P.
William Henry Scott, M. P. P.
Cyrile Hector O'Cote, M. P. P.
Edouard Etienne Rodier, M. P. P.
Pierre Paul Demaray.

Joseph Toussaint Davignon.
Julien Gagnon.
Pierre Amiot, M. P. P.
Timothy Franchère, merchant.
Amury Girod.
Louis Perrault.
Alphonse Gauvin.
Louis Gauthier.
Rodolphe Desrivieres.
Jean O. Chenier.

Enclosure 7, in No. 54.

By His Excellency *Archibald Earl of Gosford, &c.*

A PROCLAMATION.

Encl. 7, in No. 54.

WHEREAS in certain counties of the district of Montreal disaffection to the Government of our Gracious Sovereign Queen Victoria has unequivocally declared itself, and divers outrages upon the persons and properties of Her Majesty's loyal subjects have been recently perpetrated therein: And whereas prisoners arrested on charges of high treason have been rescued from the hands of justice, and the troops of Her Majesty, in the lawful discharge of their duty, while aiding the civil authorities, have been assailed and fired upon by bands of armed peasantry:

And whereas it is notorious that the present blind and fatal excitement in that district is to be attributed to the machinations of a few evil-minded and designing men, who have imposed upon the credulity of an unsuspecting peasantry, and, by plausible misrepresentation and wilful calumny—by practising upon their fears and inflaming their passions—by appealing to national distinctions and exciting political prejudices, which it has been the unabated endeavour of the British Government to extinguish, have at length succeeded in implicating a part of a hitherto peaceable and loyal population in the first excesses of a reckless and hopeless revolt:

As the representative of our most Gracious Sovereign, I now most solemnly address myself to the inhabitants of this Province, but more especially to the misguided and inconsiderate population on the river Richelieu, in the district of Montreal. I address myself to your good sense and your personal experience of the benefits you have received, and of the tranquillity you have so long enjoyed under the British Government. You possess the religion, the language, the laws and the institutions guaranteed to you nearly 70 years since. You know not the burthen of taxes; the expense of your military defence is defrayed by Great Britain; the prosperity and happiness which have hitherto pervaded this Province proclaim honourably and undeniably the political wisdom which watches over your safety, encourages your commerce, and fosters your rising industry. The spontaneous confidence of the British Parliament bestowed on you a constitution; your representatives complained of grievances; their complaints were promptly and fully investigated; grievances, where proved to exist, were removed at once; redress the most ample, but unavoidably gradual, was unreservedly promised, and up to this moment that promise has been scrupulously observed; but the demands of your leaders are insatiable; the language of Reform has speciously concealed the designs of revolution.

I have thus far deemed it my duty to explain the injustice and inadmissibility of the objects for which your leaders contend, and for the attainment of which they would wantonly sacrifice you and your families. The traitorous designs of these political agitators have been at length unmasked; I now, therefore, call upon those who have been thus far deluded to listen to the language of reason, sincerity and truth—listen to the exhortations of your respectable and trustworthy clergy—listen to the representations of those worthy and loyal proprietors

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proprietors whose interests are identified with your own, and whose prosperity, in common with yours, must ever be graduated and governed by the internal tranquillity of this Province. Return to that allegiance to your Sovereign which you have now for the first time violated, and to that obedience to the law which you have hitherto invariably maintained. Spurn from you your insidious advisers; reject with abhorrence their self-interested and treasonable counsels; leave them to that retribution which inevitably awaits them; retire to your homes and to the bosoms of your families; rest assured that a powerful and merciful Government is more desirous to forget than to resent injuries, and that within that sanctuary you will experience no molestation.

And further, by and with the advice and consent of Her Majesty's Executive Council of and for the Province of Lower Canada, I, the said Archibald Earl of Gosford, do hereby call upon all Her Majesty's loyal subjects in this Province, to be prepared at all times to maintain against all aggressors the authority of our Sovereign Lady the Queen, and to counteract the rebellious designs of the disaffected in this Province.

The dearest rights and privileges of British subjects, their laws and institutions, have been openly and audaciously assailed; they will remember that those sentiments of loyalty and honour which were the pride of their forefathers are the inheritance of their children; and in defending their allegiance to their Gracious Queen, and the connexion which has so long existed between this favoured Colony and Great Britain, they will rush forward as one man to prove their gratitude for the blessings they enjoy, and their unswerving determination to maintain them unimpaired.

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Enclosure 8, in No. 54.

Montreal:—Court of Special Sessions of the Peace, Monday, 27 November 1837.

Encl. 8, in No. 54.

PRESENT:

The Hon. Toussaint Pothier.
The Hon. Denis B. Viger.
The Hon. Peter M'Gill.
The Hon. Pierre de Rocheblave.
Laurence Kidd,
William Robertson,
Jules Quesnel,
Joseph Shuter,
Benjamin Holmes,
John Jones,
Daniel Arnoldi,
E. M. Leprohon,
Benjamin Hall,

George Holt,
Henry Corse,
William Evans,
Pierre E. Leclerc,
Benjamin Hart,
Turton Penn,
Moses J. Hayes,
E. H. Barron,
Thomas B. Wragg,
Joseph Castonguay,
Logan Fuller,
Patrice Lacombe,
P. L. Panet, Esquires.

The Hon. Pierre de Rocheblave is called to the Chair.

This meeting was called for the purpose of considering the expediency of addressing the Executive, representing that, for the safety of the country, it has become necessary to place this district under martial law,

The Hon. Louis Guy, C. S. Rodier, and J. T. Barrett, Esquires, came in and took their seats.

Resolved unanimously, on motion of Mr. Peter M'Gill, seconded by Mr. Hart, That the standard of rebellion has been raised in various portions of this district, and considerable bodies of armed men have assembled, under the command of persons who have publicly declared, that their object was to upset the Government of this Province, and to sever its connexion with the United Kingdom, and have fired on and killed a number of Her Majesty's troops, while executing the orders of the Civil Government.

Paul Joseph Lacroix and Alexis Laframboise came in and took their seats.

Resolved, on motion of Mr. M'Gill, seconded by Mr. Hart, That there is reason to apprehend that an extensive system of insurrection is in active progress of organization in this district, conducted by persons notoriously disaffected to Her Majesty's Government, who the regular forms and process of civil law do not permit being immediately arrested and brought to punishment, thereby endangering the safety of the city, and the lives and properties of Her Majesty's subjects throughout the district.

Mr. Viger dissenting, Mr. Guy and Mr. Castonguay did not vote.

Resolved therefore, on motion of Mr. M'Gill, seconded by Mr. Hart, That the magistrates now in special sessions assembled, do represent to his Excellency the Governor-in-chief, that in their opinion the exigencies of the times require that this district be placed under martial law.

Mr. Viger dissenting, Mr. Guy and Mr. Castonguay did not vote.

Resolved, on motion of Mr. M'Gill, seconded by Mr. Arnoldi, That a copy of the preceding resolutions be transmitted to his Excellency the Governor-in-chief this day.

Mr. Viger dissenting, Mr. Guy and Mr. Castonguay did not vote.

Certified to be a true copy from the Register of Special Sessions of the Peace.

(signed)

Delisle & Delisle,
Clerk of the Peace.

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(No. 130.)

Earl of Gosford to
Lord Glenelg,
6 December 1837.COPY of a DESPATCH from the Earl of Gosford to Lord Glenelg, dated
Castle of St. Lewis, Quebec, 6 December 1837.

My Lord,

IN my Despatch of the 30th ultimo, No. 123, I expressed my fears that I should be compelled to declare martial law almost immediately in the district of Montreal, and it is with the most painful regret I now acquaint your Lordship, that from the aspect of affairs in that district, and the subsequent proceedings of the insurgents, I found that I could no longer abstain from a resort to the only measure left untried for maintaining therein the royal authority, and restoring order. Accordingly I last night issued, with the advice of my Council, a Proclamation, a copy of which I enclose, subjecting the district of Montreal to martial law; together with a commission, investing Lieutenant-general Sir John Colborne with the necessary authority to execute it. But in order to alleviate as much as possible the severity of this measure, I caused the accompanying letter to be addressed to Sir John, instructing him in all cases wherein the large powers confided to him could be used in co-operation with or subordination to the ordinary laws; and where, from local circumstances, or a prompt return to their allegiance, the deluded *habitans* should evince a sincere contrition, to revert at once to the assistance of the civil authorities, and to endeavour to impress upon the minds of the misguided people a conviction that the Government is as prompt to pardon the repentant as to punish the refractory.

Resuming the narrative of events on the river Richelieu contained in my Despatch, No. 123, which left Colonel Gore at Sorel after his retreat from Saint Denis, and Lieutenant-colonel Wetherall on his return to Chambly, after his success at Saint Charles, I now proceed to give your Lordship the information that has since come to my knowledge.

It appears that two pieces of artillery (24-pounders) were mounted in the intrenchments thrown up by the insurgents at Saint Charles, but were of little or no service, and, when the place was carried, were spiked and thrown into the river Richelieu. Twenty-five prisoners were taken by Colonel Wetherall, but none of any note. In returning to Chambly, the troops were frequently fired upon, without effect, from the opposite bank of the river, and on arriving at a place called Point Olivier a large body of armed insurgents were encountered, drawn up with an intention to intercept them; a short skirmish ensued, which ended in the complete dispersion of the rebels, with the loss of a few men killed, seven taken prisoners, and two small pieces of artillery, which they had with them; the troops met with no accident, and reached Chambly without further interruption; and Colonel Wetherall, leaving one company of his detachment at Chambly and another at Saint John's, proceeded with the remaining five, the artillery and the mounted police, to Montreal, where he arrived with his 32 prisoners on Thursday the 30th ultimo.

On the same morning Colonel Gore, who had in the meantime returned to Montreal from Sorel, was again despatched thither with five companies, two field-pieces, and a cornet's detachment of the Volunteer Cavalry, his instructions being to proceed with that force and part of the detachment of three companies left at Sorel, to make another attack on Saint Denis. On his arrival, however, at the village on the 2d instant, he found it unoccupied, Wolfred Nelson and T. S. Brown having left it the previous evening. After destroying the houses from which the troops had been fired on at the former attack, Colonel Gore proceeded with part of the forces under his command to Saint Charles, which he passed on Sunday the 3d instant, on his way to Saint Hyacinthe, where it is reported the rebels had collected. Sir John Colborne has informed me that it is his intention to occupy Saint Charles and Saint Denis for the present. I may add that the gun which had been abandoned on the road after the first attack on Saint Denis was recovered, as well as the five wounded soldiers who were left behind on that occasion, and who appear to have been well treated.

The accounts from the county of Two Mountains, on the opposite side of Montreal, continue as unfavourable as ever. The rebels are reported to be mustering in considerable numbers, and have been for some time past employed in throwing up intrenchments and making other preparations for open and active warfare; and reports are constantly afloat of attacks being contemplated from

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from that quarter against the city of Montreal ; but these, I think, are circulated merely for the purpose of producing alarm. The post and all other communications in that direction have been stopped, the country being, for the present, in the possession of the insurgents, who have forced a large portion of the loyal part of the population to seek for safety in Montreal.

The intelligence from Terrebonne is also far from being of a satisfactory nature, and the Attorney-general, in his last report to me, presses the immediate declaration of martial law, as the only measure likely to check the progress of insurrection. He also mentions the receipt from the frontier of information which may be relied upon ; and I have myself had similar intelligence from other quarters, that the rebels are endeavouring to enlist American citizens to be introduced into the province to assist in overturning The Queen's Government. On learning this, I lost no time in writing to our minister at Washington on the subject, requesting him to take the earliest opportunity of calling the attention of the general government to the matter, with a view to their adopting such a course as one State may reasonably expect from another with whom it is on terms of peace and amity.

All these circumstances, which have come to my knowledge since the date of my last Despatch, combined with the excesses committed in various parts of the district of Montreal on many of its peaceful and loyal inhabitants, have convinced me that I ought no longer to delay exercising the power which, according to the opinion of Her Majesty's Attorney and Solicitor-general in the province, is legally vested in me, of declaring martial law ; and I sincerely hope that its mere announcement will produce such an effect as to render unnecessary a resort to those extreme severities which usually accompany such a proceeding. It is a remedy that has been generally called for, and will, I conscientiously believe, lessen the destruction of human life, and ultimately prove the most humane as well as the most effectual measure that could be adopted in the present unfortunate position of affairs. These considerations had great weight in influencing my decision.

Of the criminal leaders of this reckless insurrection, nothing certain is yet known, but it is believed that many of them are on the frontier in the United States. The Proclamations offering rewards for their apprehension, mentioned in my Despatch, No. 123, were not then actually published, and others have since been issued offering larger sums for some of them ; viz., £. 1,000 instead of £. 500 for Papineau, and £. 500 instead of £. 200 for O'Callaghan, Brown, W. Nelson, Cote and six others, and £. 100 for eight more of lesser note and influence.

I have, &c.

(signed) Gosford.

P. S.—I have the honour to transmit, with reference to Enclosure, No. 8, in my Despatch of the 30th ultimo, a copy of further proceedings on the subject of declaring martial law in the district of Montreal, had at a meeting of the magistrates of that city on the 5th instant, and which I have just received.

Encl. No. 4,
5 Dec. 1837.

Enclosure 1, in No. 55.

MINUTE of the Executive Council of *Lower Canada*, dated 4 December 1837, sanctioning the Declaration of Martial Law in the District of *Montreal*.

Monday, 4 December 1837.

Encl. 1, in No. 55.

At the Council Chamber in the Government Buildings.

PRESENT :

His Excellency the Earl of Gosford, Captain general and Governor-in-chief, &c. &c. &c.

The Hon. Mr. Stewart.

Mr. Pemberton.

Mr. Panet, and

Mr. Sheppard.

His Excellency laid before the Board the Attorney and Solicitor-general's opinion and report upon the right of the Crown to declare martial law, together with the Attorney-general's draft of a Proclamation, dated 28th November 1837, declaring the district of Montreal under martial law ; and as it appears by the Attorney and Solicitor-general's report, that the functions of the ordinary legal tribunals may be considered as having

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virtually ceased in the district of Montreal, and that scarcely in any part thereof process of any description can be served, or writs executed by the ministry of civil officers :

It was ordered, with the advice of the Board, that the Attorney-general's draft be adopted, and that a Proclamation do accordingly issue, declaring the district of Montreal under martial law, and empowering the proper authorities to carry the same into effect.

(Certified)

George H. Ryland.

Enclosure 2, in No. 55.

PROCLAMATION issued by the Earl of *Gosford*, on the 5th December 1837, declaring Martial Law in the District of *Montreal*, in the Province of *Lower Canada*.

Encl. 2, in No. 55. Province of Lower Canada.

By his Excellency the Right honourable Archibald Earl of Gosford, Baron Warlingham, of Beccles, in the county of Suffolk, Captain-general and Governor-in-chief in and over the Provinces of Upper and Lower Canada, Vice-Admiral of the same, and one of Her Majesty's most honourable Privy Council, &c. &c. &c.

A PROCLAMATION.

WHEREAS there exists in the district of Montreal a traitorous conspiracy, by a number of persons falsely styling themselves patriots, for the subversion of the authority of Her Majesty, and the destruction of the established constitution and government of the said province : And whereas the said traitorous conspiracy hath broken out into acts of the most daring and open rebellion : And whereas the said rebellion hath very considerably extended itself, insomuch that large bodies of armed traitors have openly arrayed themselves, and have made and do still make attacks upon Her Majesty's forces, and have committed the most horrid excesses and cruelties : And whereas in the parts of the said district in which the said conspiracy hath not as yet broken out into open rebellion, large numbers of such persons so calling themselves patriots, for the execution of such their wicked designs, have planned means of open violence, and formed public arrangements for raising and arming an organized and disciplined force ; and in furtherance of their purposes have frequently assembled in great and unusual numbers : And whereas the exertions of the civil power are ineffectual for the suppression of the aforesaid traitorous and wicked conspiracy and rebellion, and for the protection of the lives and properties of Her Majesty's loyal subjects : And whereas the courts of justice in the said district of Montreal have virtually ceased, from the impossibility of executing any legal process or warrant of arrest therein :

Now, therefore, I, Archibald Earl of Gosford, Governor-in-chief and Captain-general in and over the said Province of Lower Canada, by and with the advice and consent of Her Majesty's Executive Council for this Province, have issued orders to Lieutenant-general Sir John Colborne, commanding Her Majesty's forces in the said Province, and other officers of Her Majesty's forces in the same, to arrest and punish all persons acting, aiding or in any manner assisting in the said conspiracy and rebellion which now exist within the said district of Montreal, and which have broken out in the most daring and violent attacks upon Her Majesty's forces, according to martial law, either by death, or otherwise, as to them shall seem right and expedient for the punishment and suppression of all rebels in the said district ; of which all Her Majesty's subjects in this Province are hereby required to take notice.

Given under my hand and seal, at arms, at the Castle of St. Lewis, in the city of Quebec, the 5th day of December in the year of our Lord One thousand eight hundred and thirty-seven, and in the first year of Her Majesty's reign.

By his Excellency's command,

(signed)

D. Daly,

Secretary of the Province.

Enclosure 3, in No. 55.

LETTER from Earl *Gosford's* Civil Secretary to Lieutenant-general Sir *John Colborne*, transmitting a Royal Commission, authorizing him to execute Martial Law in the District of *Montreal*, Province of *Lower Canada*.

Sir,

Castle of St. Lewis, Quebec, 5 December 1837.

Encl. 3, in No. 55.

In transmitting to you the accompanying commission, authorizing you to execute martial law in the district of Montreal, where it has been declared to exist by a Proclamation dated to-day, I am commanded by his Excellency the Governor-in-chief to intimate to you that, although the exigency of the present conjuncture has rendered such a measure indispensable to the maintenance of Her Majesty's royal authority in that district, and to the restoration of order, it is still his Excellency's earnest hope that the declaration of martial law will of itself strike such salutary terror into the hearts of the disaffected in that district as will obviat

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obviate the necessity of having recourse to those extreme severities the execution of which is hereby confided to you, and to which, in the present dangerous crisis and in the absence of all other remedy, his Excellency most reluctantly is compelled to resort.

I have it therefore in command from his Excellency to instruct you, that in all cases wherein the unlimited power with which you are now invested can be exercised in co-operation with, or in subordination to, the ordinary laws of the land, and that in all cases where from local circumstances, or from a prompt return to their allegiance, the deluded inhabitants of any part of that district display an honest contrition for their past offences, you will revert at once to the assistance of the civil authorities, and impress upon a misguided people the conviction that Her Majesty's Government in this Province is equally prompt to pardon the repentant and punish the incorrigible.

These instructions will alleviate, in some degree, the apparent severity of a measure which the present painful emergency imposes on his Excellency, and will relieve you from any responsibility that might otherwise arise out of the exercise, on all fitting occasions, of that leniency which his Excellency feels assured is so congenial to your feelings.

I have, &c.

(signed) *S. Walcott*, Civil Secretary.

Enclosure 4, in No. 55.

Montreal. Court of Special Sessions of the Peace, Tuesday, 5 December 1837.

Encl. 4, in No. 55.

PRESENT:

The Hon. Toussaint Pothier.
Jules Quesnel,
James Brown,
John Jones,
Joseph Shuter,
Benjamin Hall,
J. T. Barrett,
Daniel Arnoldi,
Lawrence Kidd,
H. Corse,
Turton Penn,

William Evans,
J. B. Castonguay,
John Molson,
Benjamin Hart,
Charles Tait,
S. Bellingham,
P. J. Lacroix,
E. M. Leprohon,
A. Laframboise,
T. B. Wragg, Esqrs.

Mr. Quesnel is called to the chair.

The following gentlemen came in: Messrs. McGill, Wm. Robertson, Wm. Hall, H. E. Barron, William Donegaire, P. E. Leclerc, Benjamin Holmes, P. de Rocheblave, Etienne Guy and O. Berthelet.

Resolved, on motion of Mr. Penn, seconded by Mr. Hart, That at the time when the resolutions of the meeting of the magistrates, of the 27th ult., were transmitted to his Excellency the Governor-in-chief, a press of business did not permit the said resolutions being accompanied by explanations that might, perhaps, have been necessary. It is therefore

Resolved, That in the opinion of this meeting, the turbulent and disaffected persons who have incited the peasantry to rebel against Her Majesty's Government have been led on and encouraged in their career of crime by a firm belief that, whatever might be their political offences, they would not be declared guilty by any jury impanelled in the ordinary course of law; that the great mass of the population in this district having been engaged in aiding and abetting the late treasonable attempts, a fair and impartial verdict cannot be expected from a jury taken indiscriminately from the legally-qualified inhabitants, and that, unless measures are adopted to ensure the equal dispensation of justice, few, if any, even of the most guilty among the rebels, will receive the punishment justly due to their crimes; while the loyal and well-disposed will continue to be exposed to persecution and outrage from those who believe themselves beyond the reach of legal retribution.

Resolved, That the faithful and attached subjects of Her Majesty in this district, who have proved their fidelity by a zealous support of the Government in times of peril and difficulty, are entitled to claim adequate protection from the Executive of the Province; and that this meeting declares its deliberate conviction that the only effectual mode of granting that protection, and of arresting the progress of crime and of social disorganization, is to place this district under martial law.

Resolved, on motion of William Robertson, seconded by Mr. Hart, That from information received, there is reason to believe that a number of turbulent and dissolute characters are collecting in the vicinity of the lines dividing this province from the United States, for the avowed purpose of entering the Province to aid and assist the rebels already in arms, and that it is the opinion of this meeting that measures beyond the ordinary course of law are necessary to guard against the treasonable designs of such persons.

Resolved, That a copy of the preceding resolutions be transmitted to his Excellency the Governor-in-chief, praying that he will be pleased to take the same into early consideration.

Certified to be a true copy from the Register of Special Sessions.

(signed)

Delisle & Delisle,
Clerk of the Peace.

LOWER
CANADA.

— No. 56. —

No. 56.

Sir J. Colborne to
Lord F. Somerset,
3 December 1837.

EXTRACT of a DESPATCH from Lieutenant-general Sir *John Colborne*, K. C. B., to the Major-general Lord *Fitzroy Somerset*, K. C. B., dated Montreal, 3 December 1837.

I HAVE the honour to acquaint you, for the information of the General Commanding in Chief, that as soon as I could collect a sufficient force in Montreal, after the dispersion of the rebels at St. Charles, I ordered eight companies and three field-pieces to be assembled at Sorel, and to march on St. Denis.

You will perceive from the report from Colonel Gore, that he entered St. Denis yesterday.

I have every reason to believe, that the *habitans* who had taken up arms on the Richelieu have returned to their homes. Her Majesty's troops occupy at present, St. John's, Chambly, St. Charles, St. Denis, St. Ours and Sorel, in the neighbourhood of which places there is no appearance of disturbance.

— No. 57. —

COPY of a DESPATCH from Lieutenant-general Sir *John Colborne*, K. C. B., to the Major-general Lord *Fitzroy Somerset*, K. C. B., dated Head Quarters, Montreal, 7 December 1837.

No. 57.

Sir J. Colborne to
Lord F. Somerset,
7 December 1837.

My Lord,

I HAVE the honour to acquaint you, for the information of the General Commanding in Chief, that Colonel Gore having received my instructions to move on St. Denis, and to attack the rebels occupying that village, he marched from Sorel on the 1st instant, with eight companies under his command, and three field-pieces. The rebels, on the approach of Her Majesty's troops, abandoned their position and dispersed, leaving the arms and ammunition which they had collected in the village.

Colonel Gore, being informed that the principal leaders of the rebels had retired to St. Hyacinthe, marched to that town, by St. Charles, on the 4th instant; but on ascertaining that Wolfred Nelson, Papineau and the other leaders of the revolt had made their escape, he returned to St. Charles.

It appears, from the report of Colonel Gore, which is annexed, that the *habitans* in the neighbourhood of St. Hyacinthe have returned to their homes; and I am persuaded that the march of the troops through that part of the country has already produced a good effect.

The rebels are again assembling near the frontier in the direction of Stanbridge and St. Armand's, and it is my intention to send troops from St. John's in a few days to attack them.

In the county of the Two Mountains, the *habitans* are still in arms, and I shall not be able to send a force to occupy the villages of which they have taken possession, till the season is more advanced.

I beg to assure the General Commanding in Chief, that although the Governor in Chief has considered it necessary to declare the district of Montreal under Martial Law, I shall on every occasion avail myself of the assistance and advice of the civil authorities in carrying into effect such measures as may be required to restore order and to protect the property of the loyal inhabitants.

I have, &c.

(signed) *J. Colborne*, Lieut.-gen.

Enclosure in No. 57.

Montreal, 7 December 1837.

Encl. in No. 57.

I HAVE the honour to report that I arrived at Sorel on Thursday evening, the 30th of November, with the force under my command.* On the morning of the 1st of December I attempted to break through the ice in the Richelieu, with the steam-boat, John Bull, but on proceeding a mile found it impracticable, when I landed and proceeded to St. Ours, where I halted for the night, and proceeded on the following morning on the road to St. Denis, which I entered without opposition, that place having been abandoned the night before.

The

* Royal Artillery, one howitzer; 24th regiment, one company; 32d regiment, four companies; 66th regiment, two companies; 83d regiment, one company.

AFFAIRS OF LOWER CANADA, &c.

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LOWER
CANADA.

No. 57.

Sir J. Colborne to
Lord F. Somerset,
7 December 1837.

Encl. in No. 57.

The property of the rebel, Wolfred Nelson, was, in the course of the day and next morning, destroyed, and also the fortified house and all the defences.

On the morning of the 4th, I marched on St. Charles, where I arrived at noon, with five companies and two guns, having left at St. Denis three companies and one gun, under Major Reid, 32d regiment. Having received information that some of the rebel chiefs were at St. Hyacinthe, I immediately proceeded, according to your Excellency's orders, to that place, which I entered in the evening; and surrounding the house where Papineau usually resided at that place, it was strictly searched, but without finding him.

I was accompanied by Mon. Crenier, the parish priest, who gave me every information in his power; and, I am happy to say, that it is his opinion that the *habitans* now begin to see their folly, and that they have been grossly misled. They have returned to their homes in the whole of the counties between the Richelieu and the Yamaska, and gave every assistance required for transport.

I halted the troops on the 4th at St. Hyacinthe. The Curé called an assemblé of the principal inhabitants and the *habitans*; he addressed them with great eloquence, showing the selfish designs of their leaders, the folly of being led by them from their allegiance, exhorted them to continue in their homes, and assist in arresting the rebel chiefs, and which they promised to do.

I returned to St. Charles in the evening, directing the force at St. Hyacinthe to return next day; two companies of the 83d to occupy St. Charles with one gun; three companies and one gun St. Denis, with a detachment at St. Ours, and, taking the remainder of the force, four companies of the 32d, and a howitzer, I returned to Sorel, and arrived here this forenoon at 11 o'clock.

This operation has produced the best effect possible,—it has opened the eyes of the *habitans* in these populous districts, where the influence of the rebel leaders was great, and shown the *habitans* Her Majesty's troops where their presence was least expected.

The howitzer which was left on the road was recovered. An iron gun taken, and considerable quantities of arms and ammunition found at St. Denis, were destroyed.

I have, &c.

(signed) Charles Gore, Colonel.

Lieutenant-colonel Sir John Colborne, K.C.B.
commanding in the Canadas.

— No. 58. —

(No. 6.)

COPY of a DESPATCH from Lord Glenelg to Lieut.-gen. Sir John Colborne, K.C.B.,
dated Downing-street, 6 January 1838.

Sir,

No. 58.

SINCE I last addressed you on the 30th ultimo, I have received the Earl of Gosford's Despatches of the 30th November, No. 123, and the 6th December, No. 130, which, together with your Despatches to Lord Fitzroy Somerset of the 3d and 7th December, contain a report of the recent progress of affairs in Lower Canada, of the second expedition under Colonel Gore to the banks of the Richelieu, and of the Proclamation of Martial Law in the district of Montreal.

Lord Glenelg to
Sir J. Colborne,
6 January 1838.

Having had the honour to lay these Despatches before The Queen, I am commanded to convey to you Her Majesty's entire approbation of the course which has been pursued by yourself, and by the Earl of Gosford, with reference to the transactions which they detail. I am not in possession of the informations on which the warrants for the arrest of certain individuals have been issued, but I have no doubt that they were such as to justify that proceeding, under the actual circumstances of the country.

It is highly satisfactory to Her Majesty to find that the measures which you adopted had produced so decided an effect, in suppressing the insurrection in the neighbourhood of the Richelieu, and that on the occasion of the last expedition under Colonel Gore no resistance was offered to Her Majesty's troops; but that, on the contrary, the *habitans* gave every assistance which was required for the purpose of transport. The disposition thus evinced by the *habitans*, the abandonment of St. Denis, and of the other villages in the neighbourhood by the armed insurgents, and their apparent dispersion, may, I trust, warrant the expectation that, under a firm but temperate administration of the power at present vested in the Local Government, the time is not far distant when the authority of the law will have been fully vindicated, and tranquillity restored to the Province. Her Majesty's Government can, however, entertain no doubt that, after the events

80.

which

LOWER
CANADA.

No. 58.

Lord Glenelg to
Sir J. Colborne,
6 January 1838.

*Vide Papers pre-
sented to Parlia-
ment, 23 Dec. 1837,
page 106.*

which have recently occurred, and under the circumstances still actually existing in a part of the district of Montreal, the proclamation of martial law could not properly have been longer delayed, but had become indispensable to the maintenance of The Queen's authority and the protection of the loyal inhabitants of that district. In the adoption of this extreme measure, Lord Gosford only anticipated the instruction which I addressed to you in my Despatch of the 6th December, for your guidance in the event, which has since unhappily taken place, of this exercise of the prerogative becoming necessary for the suppression of actual revolt. Deeply regretting, while they fully admit this necessity, Her Majesty's Government have observed with much satisfaction the recommendation addressed to you by Lord Gosford in his letter of the 5th December, and the determination which you have expressed to the General Commanding in Chief to restrict the operation of martial law within the narrowest limits which shall be consistent with the public safety, and not to withdraw from the ordinary tribunals any cases which can properly be left to their decision. Her Majesty's Government are also assured that Lord Gosford exercised a sound discretion in not having recourse to this measure without the most conclusive evidence of the inadequacy of any milder remedy to meet the existing evil. His proclamation of the 29th of November was dictated by a spirit of enlightened humanity, and will, I trust, not be ineffectual in recalling some, at least, of the misguided peasantry to their allegiance to their Sovereign.

The Queen cheerfully accepts the tender of service which has been made to Lord Gosford by a considerable number of the inhabitants of Quebec, and is pleased to sanction the conditions proposed by his Lordship, for the corps of volunteers to be raised in that city. I am further commanded to express to you the high sense which Her Majesty entertains of the zeal and the loyalty of that large body of her subjects in Lower Canada, who have enrolled themselves on the present occasion for the defence of the Province and the suppression of revolt.

I trust that you will have been enabled, as soon as the season may have allowed military movements, to effect the dispersion of the insurgents in those parts of the district of Montreal, in which, from the last accounts, they appeared still to be assembled in considerable numbers. Her Majesty's Government, however, entertain the fullest confidence in the judgment and discretion which will have governed whatever measures you may have adopted with a view to this object, or in reference to the general state of the Province.

I have, &c.

(signed) *Glenelg.*

U P P E R C A N A D A.

— No. 59. —

(No. 117.)

COPY of a DESPATCH from Lieutenant-governor Sir *F. B. Head* to Lord *Glenelg*, dated Toronto, 25 October 1837.

My Lord,

I HAVE great satisfaction in transmitting to your Lordship, the annexed copy of a communication I have lately addressed to Sir John Colborne, respecting which, I have only to observe, that the whole of the military force which I require in Upper Canada, namely, a company at Bytown (on the banks of the Ottawa), is stationed there merely to protect the inhabitants from the Lower Canadian boatmen and lumbermen, who for some time have been in the habit of committing serious acts of aggression.

I have, &c.
(signed) *F. B. Head.*

UPPER CANADA.

No. 59.
Sir F. B. Head to
Lord Glenelg,
25 October 1837.

17 Oct. 1837.

Enclosure in No. 59.

My dear Sir John,

Toronto, 17 October 1837.

IN reference to that part of your letter of the 10th instant (this moment received) in which you state that you have made arrangements for assembling troops at certain points to aid the civil authorities, and to encourage the loyal, which will compel you to withdraw from Upper Canada as many companies of the 24th as I can spare you, to show a good front at this crisis, I have pleasure in being able to inform you, that, excepting the small detachment at Bytown, I consider that this Province can dispense with as many of the troops as you may deem it desirable to require.

Encl. in No. 59.

Lieut.-general Sir John Colborne, K.C.B.
&c. &c. &c., Sorel.

I remain, &c.
(signed) *F. B. Head.*

— No. 60. —

(No. 119.)

COPY of a DESPATCH from Lieutenant-governor Sir *F. B. Head* to Lord *Glenelg*, dated Toronto, 3 November 1837.

My Lord,

I HAVE the honour to transmit to your Lordship a copy of a letter I have lately addressed to Sir John Colborne, which will explain to your Lordship my reasons for desiring that the troops may be withdrawn from Upper Canada during the present crisis in Lower Canada.

Mr. M'Kenzie has made every exertion to get up sedition in this Province, for the purpose of deceiving people in England into the idea that both the Canadas are disturbed; but he has completely failed; and as I think it of great advantage that this fact should not only be asserted by me, but proved, I have sent away the troops, and have placed all the arms (about 6,000 stand) in charge of the mayor and aldermen of the city of Toronto.

The militia has very zealously been desirous to put a guard over them; but I have insisted on their being merely under the care of a couple of policemen, and of the inhabitants generally. I know perfectly well that there exists no body of men in this Province who would *dare* to attack Government property under the protection of the civil authorities of Toronto, and I therefore think that a militia guard which would presuppose the possibility of such an offence would tend to encourage rather than to deter.

I am happy to assure your Lordship, that the attempts made by Mr. Papineau's agent, Mr. M'Kenzie, have completely failed; and that I have not the slightest apprehension that any disturbance of importance will be made in this loyal Province during the approaching winter.

I have, &c.
(signed) *F. B. Head.*

No. 60.

Sir F. B. Head to
Lord Glenelg,
3 November 1837.

31 Oct. 1837.

UPPER CANADA.

No. 60.

Sir F. B. Head to
Lord Glenelg,
3 November 1837.

Encl. in No. 60.

Enclosure in No. 60.

Toronto, 31 October 1837.

Dear Sir John,

On the receipt of your despatch of the 24th, which I received yesterday, I immediately begged Colonel Foster to carry your wishes into effect, by sending you down the 24th regiment. Colonel Foster told me you were good enough to propose that a guard should be left for me and for the stores and commissariat, but I begged to give up my sentry and orderlies, and in fact to send you the *whole* of the 24th, which is stationed here.

I will now endeavour to explain to you the course of policy I am desirous to pursue. I am sure you will be of opinion that a great deal, if not the whole, of the agitation which is carried on in Lower Canada is intended to have the immediate effect of intimidating the two Houses of Parliament in England, by making them believe that republicanism is indigenous to the soil of America, and that nothing else will grow there.

But Mr. Papineau knows quite well that this assertion will not be considered as proved unless Upper Canada joins in it, and accordingly Mr. M'Kenzie and his gang, under his directions, are doing every thing in their power here to get up any thing that may be made to pass for agitation in the London market.

This Province is, as far as my experience goes, more loyal and more tranquil than any part of England; however, this does not matter to Mr. M'Kenzie, provided he can get up a few sets of violent resolutions, which you know very well are easily effected.

Now what I desire to do is completely to upset Mr. Papineau, so far as Upper Canada is concerned, by proving to people in England that this Province requires no troops at all, and consequently that it is *perfectly tranquil*.

I consider that this evidence will be of immense importance, as it at once shows the conduct of Lower Canada to be factious; whereas, could it, under colour of a few radical meetings here, be asserted that the *two* Provinces were on the brink of revolution, it would, as you know, be argued as an excuse for granting the demands of Mr. Papineau. I consider it of immense importance, practically, to show to the Canadas that loyalty produces tranquillity, and that disloyalty not only brings troops into the Province, but also involves it in civil war.

To attain the object I have long had in view, I deemed it advisable not to retain, either for myself or for the stores, the few men we have been accustomed to require; for I felt I could not completely throw myself, as I wished to do, on the inhabitants of the Province so long as there remained troops in the garrison.

I cannot, of course, explain to you all the reasons I have for my conduct, but I can assure you that I have deeply reflected on it, and well know the materials I have to deal with.

The detachment of artillery and the barrack-master, who, I understand, is to take up his quarters in the barracks, will be, I believe, sufficient to take care of the barrack stores. The arms I have put under the charge of the mayor, which I am confident will arouse a very excellent feeling, which will immediately spread over the Province. The military chest will be deposited for safe custody in the vaults of the Upper Canada Bank, where it will be much safer than in its present remote situation.

I enclose you a copy of a communication I have addressed to the mayor, and also to Mr. Foote, which will explain the arrangements I have made, for which I am quite prepared to take upon myself all the responsibility I have incurred.

I have now to ask you to assist me further in the policy I am pursuing, by removing the 24th regiment from Kingston, so as to take them out of Upper Canada. I have not the slightest occasion for them, particularly in that direction, where all is nothing but loyalty; but if they remain there, the moral I am desirous to attain will be spoiled, for it will be argued in England that all which has been done in Upper Canada is merely that the troops have been moved from the midland to the eastern district. I am afraid you may find difficulty in finding room for them in the Lower Province, but if by any exertion you can effect my wishes, I feel confident you will do so.

It is with reluctance I have incurred the responsibilities I have mentioned; I know the arrangements I have made are somewhat irregular, but I feel confident the advantages arising from them will be much greater than the disadvantages.

What I am about to do will arouse loyal feeling throughout the Province at a moment when it is of inestimable importance.

Colonel Foster will tell you that the detachment you have desired to have from Penetanguishene is at your service. I shall be anxious to hear from you on the subject of the removal of the 24th from Upper Canada, and

I remain, &c.

Lieut.-general Sir John Colborne, K.C.B.
&c. &c. &c.

(signed) F. B. Head.

AFFAIRS OF LOWER CANADA, &c.

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UPPER CANADA

—No. 61.—

No. 61.

(No. 124.)

EXTRACT of a DESPATCH from Lieutenant-governor Sir *F. B. Head*, Baronet,
Lord *Glenelg*, dated Toronto, 18 November 1837.

Sir F. B. Head to
Lord Glenelg,
18 November 1837.

BEING sensible that your Lordship will be desirous to receive authentic information, not only of the general state of affairs in the Canadas, but of the particular course of policy which is being pursued in each of the Provinces, I have the honour to enclose to your Lordship a copy of a second letter which has been expressly despatched to me by Sir John Colborne, with a copy of my reply thereto.

Enclosure 1, in No. 61.

My dear Sir Francis,

Sorel, 6 November 1837.

Astothetentions of Mr. Papineau, it is not of much importance what they may have been; the effect of his agitation, however, the Province now feels acutely; and disaffection, which has penetrated deeper than you may imagine, brings the agitator nearer his avowed object. Encl. 1, in No. 61.

The sooner you put the "good men and true" of the Upper Province on their mettle, the better.

Your determination of liberating the 24th regiment will produce the best effect. Sir Colin Campbell will act on a similar principle; I believe he will call on the militia to do the military duties till reinforcements may arrive from the mother country, and send every company he can spare to Quebec from Halifax.

The alarm in this district is great and rapidly increasing; in fact, the counties between Longueuil and the upper part of the Richelieu are in a state of revolt; many persons who have distinguished themselves for their loyalty and as friends of order are menaced and compelled to join the disaffected, or permit their property to be injured; I have received several applications for protection.

The grand point and pivot is Montreal; I am endeavouring to collect there such a force as will permit the apprehensive to sleep quietly, and enable us to act with vigour when called upon by the executive government.

I have ordered the 24th regiment to proceed without delay to the Carillon and Montreal; one company, however, must be left at Fort Henry. Fifty soldiers, composing the garrison of that fort, will not in any respect take away from the effect of your plans and policy.

You incur not the least risk or responsibility in trusting to the good feeling of the province of Upper Canada; you are fully warranted in making the arrangements which you have notified to me.

The diversion or demonstration which Mr. M'Kenzie may make in Yonge-street or Alway, in the London district, will do good.

If the company of the 24th regiment, which had quitted Toronto for Kingston, had been recalled, the effect of a timid measure of that description would have been much felt in this Province.

I remain, &c.

(signed) *J. Colborne.*

I have received two offers from the Upper Province to bear down with volunteer corps upon the rebels.

Enclosure 2, in No. 61.

My dear Sir John,

Government House, Toronto, 11 November 1837.

I AM much obliged to you for the information you have been so good as to give me respecting your "wars and rumours of wars," and it is satisfactory to me that you approve of the peaceful course of policy I am adopting here. Encl. 2, in No. 61.

In proportion as you may be driven to adopt forcible measures, Upper Canada should, I consider, refrain from doing so, as the moral contrast will no doubt have its effect on those who like to live in peace and quietness.

You will see in print my answer to an address from Kingston to raise a corps of volunteers; it is in fact to tell them I have no authority to sanction their request. You must not think from this that I am lukewarm in your cause, for though I intend to be slow to anger, yet I think I can assure you, that in case you should really want help, the militia of Upper Canada shall be once again round their old master.

Lieutenant-general Sir John Colborne, K.C.B.,
&c. &c. &c.

Yours, &c.
(signed) *F. B. Head.*

NOVA SCOTIA.

NOVA SCOTIA.

— No. 62. —

No. 62.

(No. 102.)

Sir C. Campbell to
Lord Glenelg,
16 December 1837.

COPY of a DESPATCH from Major-general Sir *Colin Campbell*, K.C.B., to Lord
Glenelg, dated Government House, Halifax, 16 December 1837.

My Lord,

I HAVE the honour to transmit to your Lordship an Address which was presented to me yesterday, embodying certain resolutions that were unanimously adopted at a recent public meeting, deploring the unfortunate condition of affairs in Lower Canada, and declaring the ardent attachment of the inhabitants of this town to Her Majesty's Person and Government, and their determination to resist, by every means in their power, any attempt to dismember the British Empire. I request that your Lordship will be pleased to make known to our beloved Sovereign the loyal sentiments by which the whole people of this Province are actuated; and it will be gratifying to your Lordship to be able, at the same time, to state to Her Majesty, that the inhabitants of Halifax, with that liberality for which they are distinguished, have raised a fund for the support of the wives and children of the soldiers who are now on their march from this garrison to uphold and support her royal authority.

I have, &c.

(signed) *C. Campbell.*

Enclosure 1, in No. 62.

Encl. 1, in No. 62. To his Excellency Major-general Sir Colin Campbell, K.C.B., Lieutenant-governor of the
Province of Nova Scotia, &c. &c. &c.

The ADDRESS of Her Majesty's loyal subjects, the Inhabitants of Halifax.

May it please your Excellency,

THE inhabitants of the town of Halifax, deeply deploring the present unfortunate situation of affairs in Lower Canada, where a number of misguided men have been deluded into rebellion against their lawful Sovereign, at a public meeting this day convened, have with one accord declared their firm and unshaken loyalty and attachment to Her Majesty's Person and Government, and their determination to resist, by every means in their power, any attempt to dismember the British Empire, of which they are proud to consider these Provinces an integral part. Deeply sensible of the many blessings secured to the North American Colonies by the British Constitution, and thankful to Divine Providence for the peace and happiness which this Province continues to enjoy, the inhabitants of Halifax humbly beg your Excellency to convey to our beloved Sovereign the sentiments of loyalty by which they are actuated, and their confident assurance that all classes of Her Majesty's subjects in Nova Scotia are firmly resolved to maintain to the utmost of their power the connexion now so happily existing with the parent state.

The inhabitants of Halifax deeply regret the necessity which the unfortunate events in Canada have created for the departure of Her Majesty's forces from this garrison, where the conduct of both officers and men have secured them the respect and attachment of all classes of society. They are aware that the noble spirit which animates British soldiers will induce them resolutely to encounter the hardships they must endure in marching through a long and dreary wilderness at this inclement season of the year; but whilst the soldier at the call of duty spurns both danger and fatigue, the husband and the father cannot but feel deeply for those whom they are compelled to leave behind without their natural protector. To alleviate these feelings, to lessen the pang which the brave soldier must endure in parting from his wife and children, and to contribute towards their comfort, the inhabitants of Halifax have agreed to raise a fund for the relief of the wives and children of the soldiers of this garrison, whose husbands and fathers have been or shall be under the necessity of leaving them behind, when they march to uphold and support the authority of our beloved Sovereign, and to preserve the integrity of the British empire. The mode in which this object is proposed to be carried into effect will fully appear upon a reference to the resolutions unanimously adopted at the meeting, a copy whereof is herewith submitted to your Excellency.

A more numerous meeting of all classes of society has not previously assembled in this town; and as it was their unanimous feeling and belief that the sentiments of the Province
generally

AFFAIRS OF LOWER CANADA, &c.

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generally, as well as those of the town, were expressed in these resolutions, the honourable the Speaker and all the Members of the House of Assembly resident in the town, several of whom represent different parts of the Province, were associated with other gentlemen of the committee to carry the objects of the meeting into effect.

The inhabitants of Halifax unite in the prayer (which they feel will be responded from every quarter of this loyal Province) that these unhappy troubles may be soon dispelled, that peace and order may be speedily re-established, and that the people of these Provinces, prosperous and united, may ever esteem it their highest pride to have their destinies connected with the great country from which they are descended, and which has extended to them the benefits of its glorious constitution.

(signed)

S. G. W. Archibald,

Speaker of the Assembly, and Member
for the county of Colchester.

Halifax, 15 December 1837.

No. 62.

Sir C. Campbell to
Lord Glenelg,
16 December 1837.

Encl. 1, in No. 62.

Alex. Stewart, Member of Assembly for the county of Cumberland.

Joseph Howe, Member of Assembly for the county of Halifax.

James B. Uniacke, Member of Assembly for the county of Cape Breton.

William Young, Member of Assembly for the county of Inverness.

Hugh Bell and Thomas Forrester, Members for the town of Halifax.

L. O. C. Doyle, M. P. P., Isle Madame.

John N. Jeffery and Henry H. Cogswell, Members of Her Majesty's late Council.

J. W. Johnston, Solicitor-general.

S. W. Deblois.

J. Leander Starr.

J. J. Sawyer.

Enclosure 2, in No. 62.

Resolved, That the recent events which have taken place in Lower Canada, where a number of misguided men have been deluded into rebellion against their Sovereign, render it a duty in all Her Majesty's subjects, inhabiting the British Provinces of North America, publicly to declare their firm and unshaken loyalty to Her Majesty—their thankfulness to Divine Providence—for the many blessings secured to them by the British Constitution, and their firm determination to resist by every means in their power any dismemberment of the British Empire, of which this meeting is proud to consider these Provinces an integral part. Encl. 2, in No. 62.

Resolved, That this meeting deeply regret the necessity which these unfortunate events have created for the departure of Her Majesty's forces from this garrison, where the conduct of both officers and men has secured to them the respect and attachment of all classes of society.

Resolved, That this meeting is aware that the noble spirit which animates British soldiers will induce them resolutely to encounter the hardships they must endure in marching through a long and dreary wilderness at this inclement season of the year; but while the soldier at the call of duty spurns both danger and fatigue, the husband and the father cannot but feel deeply for those whom they are compelled to leave behind, without their natural protector. To alleviate these feelings as much as possible, to lessen the pang which the brave soldier must experience in parting from his wife and children, and to contribute towards their comfort, we, Her Majesty's subjects, agree to raise a fund for the relief of the wives and children of the soldiers of this garrison, whose husbands and fathers have been, or shall be, under the necessity of leaving them behind, when they march to uphold and support the authority of our beloved Sovereign, and to preserve the integrity of the British Empire.

Resolved, That a committee be appointed to collect the subscriptions of this meeting, and of all who may feel disposed to aid the benevolent object contemplated in the foregoing resolution.

Resolved, That S. Binney, E. Kenny, E. Cunard, Hugh Bell, Joseph Howe, Michael Tobin, W. M. Allan, E. Wallace, Wm. J. Starr, J. C. Allison, and W. A. Black, Esquires, be appointed a committee for the above purpose, and that W. A. Black, Esq. be appointed treasurer, to receive the sums collected by the committee.

Resolved, That a committee be appointed to regulate the mode of distributing the relief intended for the wives and children who shall be left behind by the soldiers who depart from this garrison for Canada.

Resolved, That the honourable the Speaker of the House of Assembly, and the Solicitor-general, with the several gentlemen composing the last-named committee, be the members of the last-mentioned committee.

NOVA SCOTIA.

No. 62.

Sir C. Campbell to
Lord Glenelg,
16 December 1837.

Encl. 2, in No. 62.

Resolved, That a committee be appointed to prepare an address to his Excellency the Lieutenant-governor, embodying the substance of the foregoing resolutions, and requesting him to make known to Her Majesty the sentiments of Her Majesty's loyal subjects in Nova Scotia, as expressed by this meeting.

Resolved, That the Honourable the Speaker and the members of the House of Assembly, resident in Halifax, with the Solicitor-general, the Hon. T. N. Jeffery, S. W. Deblois, Esq., J. Leander Starr, Esq., the Hon. H. H. Cogswell, and the Chairman of this meeting, be a committee to carry into effect the last resolution.

Resolved, That a committee be appointed to wait upon the Commandant of this garrison with a copy of the foregoing resolutions, and request that he will make the same known to the commanding officers of the several corps which have left or may leave this garrison for Canada, so that they may be communicated to the officers and men under their command.

Resolved, That the Chairman of this meeting, J. Leander Starr, Esq., William Young, Esq., the Solicitor-general, and Hugh Bell, Esq., be the committee under the last preceding resolution.

(signed) *J. J. Sawyer,*

Chairman.

Halifax, 15 December 1837.

NEW BRUNSWICK.

— No. 63. —

EXTRACT of a DESPATCH from Major-general Sir *John Harvey*, K.C.H., to Lord *Glenelg*, dated Government House, Fredericton, New Brunswick, 5 December 1837.

NEW
BRUNSWICK.

No. 63.

I SHALL have no hesitation in committing the protection of this Province to its militia, until the general officer commanding in Nova Scotia may have it in his power to send us a detachment of Her Majesty's troops.

Sir J. Harvey to
Lord Glenelg,
5 December 1837.

Feelings of the most ardent loyalty are every where expressed, and offers of voluntary service are daily being tendered to me. With a view to take advantage of this state of feeling, it is my intention immediately to call the Provincial Legislature together, and propose to them to authorize not only the calling out of a considerable body of militia for service within the Province, but also the embodying of one or more battalions to be employed in aid of their loyal fellow-subjects in the province of Lower Canada, propositions which will, I am convinced, be adopted by acclamation.

Wednesday morning, 6 December

P. S.—From the offers of service already made to me by the militia of this Province, I do not doubt that I could carry any number of men, from 1 to 5,000, to assist in the defence and preservation of Lower Canada to Her Majesty, until succours could arrive from England, should affairs in that Province render such a measure necessary.

(signed) *J. H.*

— No. 64. —

EXTRACT of a DESPATCH from Major-general Sir *John Harvey*, K.C.H., to Lord *Glenelg*, dated Government House, Fredericton, 8 December 1837.

No. 64.

I HAVE the honour to acquaint your Lordship, that at a meeting of the Executive Council held this day, a Proclamation was ordered to be issued, convening the Legislature for the despatch of business on the 28th instant, the earliest day at which it was considered practicable to bring them together. My objects in calling them together are to obtain from the representatives of the people what I well know will be given by acclamation, such an expression of public opinion, as respects the state of affairs in Lower Canada, as may unequivocally prove to the malcontents in that Province the sound and healthy state of public feeling in this, and the ardent loyalty and attachment to British connexion by which its universal population are animated. I also shall require a legislative authority to enable me to carry the militia force of this Province beyond its limits, in aid of Her Majesty's loyal subjects in Lower Canada, in the event of such aid being found necessary.

Sir J. Harvey to
Lord Glenelg,
8 December 1837.

Enclosure in No 64.

(By Authority.)

By his Excellency Major-general Sir *John Harvey*, K.C.H. and C.B., Lieutenant-governor and Commander-in-chief of the Province of New Brunswick, &c. &c. &c.

J. HARVEY, Lieutenant-governor.

A PROCLAMATION.

WHEREAS the General Assembly of this Province stands prorogued to Tuesday the 19th day of December instant, and it is highly expedient, for divers weighty considerations, arising out of the state of affairs in Lower Canada, that the said General Assembly should meet at an early period, I do therefore hereby summon the said General Assembly to meet at Fredericton on Thursday the 28th day of December instant, for the despatch of business.

Encl. in No. 64.

Given under my hand and seal, at Fredericton, the eighth day of December, in the year of our Lord One thousand eight hundred and thirty-seven, and in the first year of Her Majesty's reign.

By his Excellency's command,
(signed) *W. F. Odell.*

LOWER CANADA, &c.

COPIES OR EXTRACTS
OF
CORRESPONDENCE
RELATIVE TO THE
AFFAIRS OF LOWER CANADA.

(LOWER CANADA.	UPPER CANADA.
NOVA SCOTIA.	NEW BRUNSWICK.)

(Presented by Her Majesty's Command.)

*(In continuation of Paper presented to Parliament on the
23d December 1837, No. 72.)*

*Ordered, by The House of Commons, to be Printed,
16 January 1838.*

C A N A D A.

FURTHER

COPIES OR EXTRACTS

OF

CORRESPONDENCE RELATIVE TO THE AFFAIRS

OF

LOWER CANADA AND UPPER CANADA.

*(In continuation of Papers presented to Parliament on the 23d December 1837, No. 72,
and 16th January 1838, No. 80.)*

[PRESENTED BY HER MAJESTY'S COMMAND.]

*Ordered, by The House of Commons, to be Printed,
29 January 1838.*

S C H E D U L E.

U P P E R C A N A D A.

No. 1.—Extract of a Despatch from Lieutenant-governor Sir F. B. Head, Bart. to Lord Glenelg, dated Toronto, 19 December 1837; (ten Enclosures) - - p. 3

L O W E R C A N A D A.

No. 2.—Extract of a Despatch from Lieutenant-general Sir John Colborne, K.C.B., to Major-general Lord Fitzroy Somerset, K.C.B., dated Head Quarters, Montreal, 22 December 1837; (three Enclosures) - - - - - p. 11

UPPER CANADA.

—No. 1.—

EXTRACT of a DESPATCH from Lieutenant-governor Sir *F. B. Head*, Bart. to
Lord *Glenelg*, dated Toronto, 19 December 1837.

No. 1.

I HAVE the honour to inform your Lordship, that on Monday, the 4th instant, this city was, in a moment of profound peace, suddenly invested by a band of armed rebels, amounting, according to report, to 3,000 men (but in actual fact about 500), and commanded by Mr. M'Kenzie, the editor of a republican newspaper; Mr. Van Egmont, an officer who had served under Napoleon; Mr. Gibson, a land surveyor; Mr. Lount, a blacksmith; Mr. Lloyd, and some other notorious characters.

Sir F. B. Head to
Lord Glenelg,
19 Dec. 1837.

Having, as I informed your Lordship in my despatch, No. 119, dated 3d ultimo, purposely effected the withdrawal of Her Majesty's troops from this province, and having delivered over to the civil authorities the whole of the arms and accoutrements I possessed, I of course found myself without any defence whatever, excepting that which the loyalty and fidelity of the province might think proper to afford me. The crisis, important as it was, was one I had long earnestly anticipated, and accordingly I no sooner received the intelligence that the rebels were within four miles of the city, than, abandoning Government House, I at once proceeded to the City Hall, in which about 4,000 stand of arms and accoutrements had been deposited.

One of the first individuals I met there, with a musket on his shoulder, was the Chief Justice of the province; and, in a few minutes, I found myself surrounded by a band of brave men, who were of course unorganized, and, generally speaking, unarmed.

As the foregoing statement is an unqualified admission on my part, that I was completely surprised by the rebels, I think it proper to remind rather than to explain to your Lordship the course of policy I have been pursuing.

In a former despatch, I respectfully stated to your Lordship, as my opinion, that a civil war must henceforward every where be a moral one; and that, in this hemisphere in particular, victory must eventually declare itself in favour of moral and not of physical preponderance.

Entertaining these sentiments, I observed, with satisfaction, that Mr. M'Kenzie was pursuing a lawless course of conduct, which I felt it would be impolitic for me to arrest. For a long time he had endeavoured to force me to buoy him up by a Government prosecution, but he sunk in proportion as I neglected him, until, becoming desperate, he was eventually driven to reckless behaviour, which I felt confident would very soon create its own punishment.

The traitorous arrangements he made were of that minute nature, that it would have been difficult, even if I had desired it, to have suppressed them; for instance, he began by establishing union lists (in number not exceeding 40) of persons desirous of political reform, and who, by an appointed secretary, were recommended to communicate regularly with himself, for the purpose of establishing a meeting of delegates.

As soon as by most wicked misrepresentations he had succeeded in seducing a number of well-meaning people to join these squads, his next step was to prevail upon a few of them to attend their meetings armed, for the alleged purpose of firing at a mark.

While these meetings were in continuance, Mr. M'Kenzie, by means of his newspaper, and by constant personal attendance, succeeded in inducing his adherents to believe that he was every where strongly supported, and that his means, as well as his forces, would prove invincible.

I was not ignorant of these proceedings, and in proportion as Mr. M'Kenzie's paper became more and more seditious, and in proportion as these armed meetings excited more and more alarm, I was strongly and repeatedly called upon by the peaceable portion of the community forcibly to suppress both the one and the

No. 1.
Sir F. B. Head to
Lord Glenelg,
19 Dec. 1837.

other. I considered it better, however, under all circumstances, to await the outbreak, which I was confident would be impotent inversely as it was previously opposed; in short, I considered that if an attack by the rebels was inevitable, the more I encouraged them to consider me defenceless the better.

Mr. M'Kenzie, under these favourable circumstances, having been freely permitted by me to make every preparation in his power, a concentration of his deluded adherents, and an attack upon the city of Toronto were secretly settled to take place on the night of the 19th instant; however, in consequence of a militia general order which I issued, it was deemed advisable that these arrangements should be hurried, and accordingly Mr. M'Kenzie's deluded victims, travelling through the forest by cross roads, found themselves assembled, at about four o'clock in the evening of Monday, the 4th instant, as rebels, at Montgomerie's Tavern, which is on the Yonge-street macadamized road, about four miles from the city.

As soon as they had attained this position, Mr. M'Kenzie and a few others, with pistols in their hands, arrested every person on the road, in order to prevent information reaching the town. Colonel Moodie, a distinguished veteran officer, residing in Yonge-street, accompanied by three gentlemen on horseback, on passing Montgomerie's Tavern was fired at by the rebels, and I deeply regret to say that the colonel, wounded in two places, was taken prisoner into the tavern, where in three hours he died, leaving a widow and family unprovided for.

As soon as this gallant meritorious officer, who had honourably fought in this province, fell, I am informed that Mr. M'Kenzie exultingly observed to his followers, "*that as blood had now been spilled, they were in for it, and had nothing left but to advance;*" accordingly, at about 10 o'clock at night, they did advance; and I was in bed, and asleep, when Mr. Alderman Powell awakened me to state, that in riding out of the city towards Montgomerie's Tavern he had been arrested by Mr. M'Kenzie and another principal leader; that the former had snapped a pistol at his breast; that his (Mr. Powell's) pistol also snapped, but that he fired a second, which, causing the death of Mr. M'Kenzie's companion, had enabled him to escape.

As soon as Mr. Powell reached Toronto, the alarm bell was rung, and as Mr. M'Kenzie feared we might be prepared for him, he forbore to proceed with his attack.

On arriving at the City Hall, I appointed Mr. Justice Jones, Mr. Henry Sherwood, Captain Strachan and Mr. John Robinson, my aide-de-camp. I then ordered the arms to be unpacked, and, manning all the windows of the building, as well as those of opposite houses which flanked it, we awaited the rebels, who, as I have stated, did not deem it advisable to advance. Besides these arrangements, I despatched a messenger to the Speaker of the House of Assembly, Colonel the honourable Allan M'Nab, of the Gore district, and to the colonels of the militia regiments in the Midland and Newcastle districts. An advanced piquet of 30 volunteers, commanded by my aide-de-camp, Mr. Justice Jones, was placed within a short distance of the rebels.

By the following morning (Tuesday) we mustered about 300 men, and in the course of the day the numbers increased to about 500. In the night an advanced piquet, commanded by Mr. Sheriff Jarvis, was attacked within the precincts of the city by the rebels, who were driven back, one of their party being killed and several wounded.

On Wednesday morning we were sufficiently strong to have ventured on an attack, but being sensible of the strength of our position, being also aware how much depended upon the contest in which we were about to be engaged, and feeling the greatest possible reluctance at the idea of entering upon a civil war, I despatched two gentlemen to the rebel leaders, to tell them that before any conflict should take place, I parentally called upon them, as their governor, to avoid the effusion of human blood. In the meanwhile, however, Mr. M'Kenzie had committed every description of enormity; he had robbed the mail—with his own hands had set fire to Dr. Horne's house—had plundered many inoffensive individuals of their money—had stolen several horses, had made a number of respectable people prisoners, and, having thus succeeded in embarking his misguided adherents in guilt, he replied to my admonition by a message, that he would only consent that his demands should be settled by a national convention, and he insolently added, that he would wait till two o'clock for my answer, which in one word was "NEVER!"

In

In the course of Tuesday, the Speaker of the House of Assembly, Colonel the honourable Allan M'Nab, arrived from the Gore district at the head of about 60 men, which he had assembled at half an hour's notice, and other brave men flocking in to me from various directions, I was enabled by strong piquets to prevent Mr. M'Kenzie from carrying into effect his diabolical intention to burn the city of Toronto, in order to plunder the banks, and having effected this object, I determined that on the following day I would make the attack.

Accordingly, on Thursday morning I assembled our forces under the direction of the adjutant-general of militia, Colonel Fitzgibbon, clerk of the House of Assembly.

The principal body was headed by the honourable the Speaker, Colonel Allan M'Nab, the right wing being commanded by Colonel Samuel Jarvis, the left by Colonel William Chisholm, assisted by the honourable Mr. Justice Maclean, late Speaker of the House of Assembly, the two guns by Major Carfrae, of the Militia Artillery.

The command of the militia left in the city remained under Mr. Justice Macaulay, and the protection of the city with Mr. Gurnett, the mayor.

I might also have most advantageously availed myself in the field of the military services of Colonel Foster, the commander of the forces in Upper Canada, of Captain Baddeley, of the corps of Royal Engineers, and of a detachment of eight artillerymen, who form the only regular force in this province, but having deliberately determined that the important contest in which I was about to be engaged should be decided solely by the Upper Canada militia, or, in other words, by the inhabitants of this noble province, I was resolved that no consideration whatever should induce me to avail myself of any other assistance than that upon which, as the representative of our gracious Sovereign, I had firmly and implicitly relied.

At 12 o'clock the militia force marched out of the town, with an enthusiasm which it would be impossible to describe, and in about an hour we came in sight of the rebels, who occupied an elevated position near Gallows-hill, in front of Montgomerie's tavern, which had long been the rendezvous of Mr. M'Kenzie's men.

They were principally armed with rifles; and, for a short time, favoured by buildings, they endeavoured to maintain their ground; however, the brave and loyal militia of Upper Canada, steadily advancing with a determination which was irresistible, drove them from their position, completely routed Mr. M'Kenzie, who, in a state of the greatest agitation, ran away; and, in a few minutes, Montgomerie's tavern, which was first entered by Mr. Justice Jones, was burned to the ground.

Being on the spot merely as civil governor, and in no way in command of the troops, I was happy to have an opportunity of demonstrating to the rebels the mildness and beneficence of Her Majesty's Government, and well knowing that the laws of the country would have ample opportunity of making examples of the guilty, I deemed it advisable to save the prisoners who were taken, and to extend to most of these misguided men the Royal mercy, by ordering their immediate release.

These measures having been effected, and the rebels having been deprived of their flag, on which was inscribed in large letters, "*Bidwell, and the glorious minority*"—"1837, and a good beginning!" the militia advanced in pursuit of the rebels about four miles, till they reached the house of one of the principal ring-leaders, Mr. Gibson, which residence it would have been impossible to have saved, and it was consequently burned to the ground.

The infatuated followers of Mr. M'Kenzie were now completely dispersed. Deceived and deserted by their leader, they sought for refuge in all directions, ashamed and disgusted with the murder, arson, highway and mail robbery which he had committed before their eyes, and, detesting him for the overbearing tyranny of his conduct towards them, they sincerely repented that they had ever joined him; and I have been credibly informed that their wives and children now look upon Mr. M'Kenzie as their most malignant enemy. Mr. M'Kenzie has fled to the United States. Mr. John Rolph has absconded. Mr. Bidwell, who took no part in the affray, has amicably agreed with me to quit, and has quitted this province for ever. Dr. Morrison, and the Captain Van Egmont, are our prisoners. Mr. Lount and Mr. Gibson have fled, and I understand are making for the United States.

No. 1.

Sir F. B. Head to
Lord Glenelg,
19 Dec. 1837.

As Mr. M'Kenzie had been particularly active in disseminating his principles throughout the London district, and as Dr. Duncombe was reported to be there with a body of armed rebels, I deemed it advisable, as soon as the militia returned to Toronto from driving Mr. M'Kenzie from Gallows-hill, to order a body of 500 men to proceed immediately to the London district. I placed this corps under the command of the Honourable the Speaker of the House of Assembly, Colonel Allan M'Nab, who with great promptitude marched with it to the point of its destination.

On the day of Mr. M'Kenzie's defeat, as well as on the following morning, bands of militia-men from all directions poured in upon me in numbers, which honourably proved that I had not placed confidence in them in vain. From the Newcastle district alone 2,600 men, with nothing but the clothes in which they stood, marched in the depth of winter towards the capital, although nearly 100 miles from their homes.

From Gore, Niagara, Lake Simcoe, and from various other places, brave men, armed as well as unarmed, rushed forwards unsolicited, and, according to the best reports I could collect, from 10,000 to 12,000 men simultaneously marched towards the capital to support me in maintaining for the people of Upper Canada the British constitution.

The numbers which were advancing towards me were so great, that the day after Mr. M'Kenzie's defeat I found it absolutely necessary to print and circulate a public notice, announcing "*that there existed no further occasion for the resort of militia to Toronto,*" and the following day I was further enabled to issue a general order authorizing the whole of the militia of the Bathurst, Johnstone, Ottawa and Eastern districts to go and lend their assistance to Lower Canada.

I have now completed a plain statement of the events which have occurred in this noble province during the last week, and have done so at some length, as the moral they offer is most important.

Your Lordship knows that at the last election Mr. M'Kenzie and his party in vain appealed to the farmers and yeomen of this country to support them, instead of supporting me. Driven by the voice of the people from their seats in the House of Assembly, they declared that they had only been defeated by the influence of a corrupt Government. However, the moment the charges made against me in the House of Commons reached this country, the House of Assembly deliberately investigated the whole affair, which they proved and pronounced to be a series of wilful and premeditated falsehoods.

Mr. M'Kenzie and his party finding that at every point they were defeated in the moral attack which they had made upon the British constitution, next determined to excite their deluded adherents to have recourse to physical strength.

Being as ready to meet them on that ground as I had been ready to meet them in a moral struggle, I gave them every possible advantage; I in no way availed myself of the immense resources of the British empire; on the contrary, I purposely dismissed from the province the whole of our troops. I allowed Mr. M'Kenzie to *write* what he chose, *say* what he chose, and *do* what he chose; and, without taking any notice of his traitorous proceedings, I waited, with folded arms, until he had collected his rebel forces, and had actually commenced his attack.

I then, as a solitary individual, called upon the militia of Upper Canada to defend me, and the result has been, as I have stated, namely, that the people of Upper Canada came to me when I called them; that they completely defeated Mr. M'Kenzie's adherents, and drove him and his rebel ringleaders from the land.

It now only remains for me to inform your Lordship that Mr. M'Kenzie, who has escaped to Buffalo, in the United States, has, by falsehood and misrepresentations, almost succeeded in exciting a large body of labourers, out of work, to invade Upper Canada, for the purpose of plundering the banks and of gaining possession of the Crown lands.

This is at this moment causing, throughout the province, considerable excitement, and I must say that, for the sake of humanity, I earnestly trust and hope the attempt will not be made.

I entertain the utmost reliance that the Government of the United States will nobly prevent any such invasion. I am persuaded that all Americans of intelligence and property will feel that the character of their country requires them to discountenance a lawless and unprincipled aggression.

Should

AFFAIRS OF LOWER CANADA AND UPPER CANADA. 7

No. 1.

Should, however, any of the inhabitants of Buffalo or other frontier towns, regardless of these sentiments, for the sake of plunder, invade the free and independent people of Upper Canada, I feel confident that every man in the province, Indians and black population included, will assemble together in one band to exterminate the invaders, or to perish in the attempt.

Sir F. B. Head to
Lord Glenelg,
19 Dec. 1837.

Enclosure 1, in No. 1.

Adjutant-general's Office, Toronto, 4 Dec. 1837.

MILITIA GENERAL ORDER.

HIS Excellency the Lieutenant-governor has pleasure in announcing to the militia of Upper Canada, that, in consequence of the present disturbed state of the Lower Province, several regiments have gallantly expressed their readiness to co-operate, in case of necessity, with Her Majesty's troops, in protecting their fellow-subjects in Lower Canada, in the maintenance of the revered laws and institutions of the British empire.

Enclosure 1, in
No. 1.

While this spirit, so honourable to Upper Canada, and so fully in accordance with the character of its inhabitants, has been manifested in various portions of the province, his Excellency has with regret received information from various quarters, that, in certain portions of the Home and London districts, a number of individuals have been seen assembled, as if for the purpose of drilling, some of them bearing arms, although not called upon by public authority, nor acting under the orders of any officer appointed by the Crown.

Whatever may be the motive of such assemblages, the Lieutenant-governor is of opinion, that they are calculated to excite alarm in the minds of all peaceable inhabitants, and that, being contrary to law, they are inconsistent with that duty and allegiance which it is the pride of all faithful subjects to cherish.

The Lieutenant-governor has therefore determined to call upon all persons in public authority, as well as upon all classes of Her Majesty's subjects in Upper Canada, to unite together in maintaining the high character which this province now holds in the esteem and affection of the mother country, by discountenancing such illegal meetings, and by doing all in their power to discover and make known those who promote and take part in them.

With this object in view, the Lieutenant-governor directs that the colonels of militia throughout the province shall, upon receiving this order, call out their respective regiments, and acquaint them of the above circumstances; as also that his Excellency's offer to Sir John Colborne of Her Majesty's troops who were in this province, has been accepted: that as soon as the navigation closes, their return may be deemed impracticable: that even if it were not so, his Excellency on no account whatever would consent to deprive the Lower Province, during this winter, of their assistance: that Her Majesty's stores, arms and ammunition have been intrusted by his Excellency to the civil authorities; and that the period has consequently arrived for his Excellency to call upon the militia of Upper Canada to do justice to the honourable confidence which, under circumstances so flattering to their character, has been publicly reposed in their valour and in their loyalty.

Upon the militia of Upper Canada, as the constitutional force of the country, the Lieutenant-governor relies with confidence for aiding the civil powers, firmly to maintain the laws, and to protect all classes of The Queen's subjects in the full enjoyment of their rights and liberties; and his Excellency is fully assured that, if necessity should arise, the inhabitants of Upper Canada will not fail to place on record an honourable example of a people who, appreciating the blessings of peace and freedom, will allow no political differences of opinion to prevent them, when duly called upon, uniting to support their religion, the Crown and the laws.

His Excellency therefore directs the colonels of militia throughout the province, immediately to make such arrangements as may appear to them most judicious, for enabling their respective corps to act with promptness and effect, should any emergency render their services necessary. And in case the civil authorities should find occasion to suppress an illegal meeting, his Excellency especially refers to the 9th section of the Militia Act, passed in the 48th year of the reign of his late Majesty George the Third, relying that the officers commanding regiments will, with alacrity, firmness and discretion, exercise the powers therein given to them, of suppressing with the force of their respective regiments any attempts that may be made to oppose the civil magistrates, or to disturb the peace of the country.

The Lieutenant-governor is proud to believe, that Upper Canada is the only portion of the British empire divested of military support, and he feels confident that the mother country, as well as the continent of America, respect the steady peaceful conduct which at present so peculiarly distinguishes the inhabitants of the Upper Province of the Canadas.

By Order of his Excellency,

James Fitzgibbon,
Acting Adjutant-general of Militia.

No. 1.

Sir F. B. Head to
Lord Glenelg,
19 Dec. 1837.

Enclosure 2, in
No. 1.

Enclosure 2, in No. 1.

PROCLAMATION by his Excellency Sir *Francis Bond Head*, Baronet,
Lieutenant-governor of Upper Canada, &c. &c.

To the Queen's faithful Subjects in Upper Canada.

IN a time of profound peace, while every one was quietly following his occupations, feeling secure under the protection of our laws, a band of rebels, instigated by a few malignant and disloyal men, has had the wickedness and audacity to assemble with arms, and to attack and murder the Queen's subjects on the highway, to burn and destroy their property, to rob the public mails, and to threaten to plunder the banks, and to fire the city of Toronto.

Brave and loyal people of Upper Canada, we have been long suffering from the acts and endeavours of concealed traitors, but this is the first time that rebellion has dared to show itself openly in the land, in the absence of invasion by any foreign enemy.

Let every man do his duty now, and it will be the last time that we or our children shall see our lives or properties endangered, or the authority of our gracious Queen insulted by such treacherous and ungrateful men. Militiamen of Upper Canada, no country has ever shown a finer example of loyalty and spirit than you have given upon this sudden call of duty. Young and old of all ranks are flocking to the standard of their country. What has taken place will enable our Queen to know Her friends from Her enemies,—a public enemy is never so dangerous as a concealed traitor; and now, my friends, let us complete well what is begun,—let us not return to our rest till treason and traitors are revealed to the light of day, and rendered harmless throughout the land.

Be vigilant, patient and active, leave punishment to the laws;—our first object is, to arrest and secure all those who have been guilty of rebellion, murder and robbery; and, to aid us in this, a reward of ONE THOUSAND POUNDS to any one who will apprehend, and deliver up to justice, *William Lyon Mackenzie*; and FIVE HUNDRED POUNDS to any one who will apprehend, and deliver up to justice, *David Gibson*, or *Samuel Lount*, or *Jesse Lloyd*, or *Silas Fletcher*; and the same reward and a free pardon will be given to any of their accomplices who will render this public service, except he or they shall have committed, in his own person, the crime of murder or arson.

And all, but the leaders above named, who have been seduced to join in this unnatural rebellion, are hereby called to return to their duty to their Sovereign, to obey the laws, and to live henceforward as good and faithful subjects, and they will find the Government of their Queen as indulgent as it is just.

GOD SAVE THE QUEEN.

Thursday, 3 o'clock P. M., 7 Dec.

*** The party of rebels, under their chief leaders, is wholly dispersed, and flying before the loyal militia. The only thing that remains to be done is to find them, and arrest them.

Enclosure 3, in No. 1.

Government House, 8 December 1837.

Enclosure 3, in
No. 1.

HIS Excellency the Lieutenant-governor warmly thanks, in the name of Her Majesty the Queen, the loyal and gallant militia of Upper Canada, for their ready attention to the call of their country, when their services were required for putting down a cruel and unnatural rebellion.

HIS Excellency trusts, that that service has now been effectually rendered, and it only remains for him to take whatever steps may be necessary for the peace and security of the several districts, and to announce, with much satisfaction, that there appears to be no further occasion for the resort of militia to Toronto.

Enclosure 4, in No. 1.

Government House, 9 December 1837.

F. B. HEAD.

MILITIA GENERAL ORDER.

Enclosure 4, in
No. 1.

HIS Excellency the Lieutenant-governor apprehends, from recent accounts, that it may be necessary for the militia of this province to unite their efforts to those of their brave and loyal fellow-subjects of Lower Canada, in order to put down rebellion, and to maintain the integrity of the glorious empire of Great Britain.

HIS Excellency therefore directs, that, upon the requisition of the Commander of Her Majesty's Forces in Lower Canada, the colonel or officer commanding any regiment of militia in the Bathurst, Johnstown, Ottawa or Eastern Districts respectively, shall take all the measures in his power, agreeably to the militia laws of the province, for furnishing whatever number of men may be required for military service, in aid of the Queen's forces or the militia of Lower Canada, in either province.

His

AFFAIRS OF LOWER CANADA AND UPPER CANADA. 9

No. 1.

His Excellency relies upon the zeal, loyalty and bravery of the militia of Upper Canada, for rendering effectual service to their Sovereign, and maintaining that character which his Excellency is aware has distinguished them wherever they have been called into the field. Sir F. B. Head to Lord Glenelg, 19 Dec. 1837.

His Excellency is further pleased to authorize the forming of any Independent Volunteer Companies for the above service.

Enclosure 5, in No. 1.

10 December 1837.

His Excellency the Lieutenant-governor directs, that no officer, whatever may be his rank, or on whatever service he may be employed, shall take upon himself to release any prisoner taken in arms against the Government, or any one apprehended on suspicion of treasonable practices; but all such persons are to await the decision of the Government, upon a careful investigation of the charges against them.

Enclosure 5, in No. 1.

Enclosure 6, in No. 1.

11 December 1837.

NOTICE.

A SPECIAL Commission has been completed, appointing the Hon. Robert S. Jameson, Vice-chancellor, and others, to examine all persons accused of High Treason, &c., and all parties requiring or wishing to give information respecting prisoners are hereby directed to the Vice-chancellor's, for those purposes.

Enclosure 6, in No. 1.

Enclosure 7, in No. 1.

£. 500 REWARD.

PROCLAMATION by his Excellency Sir *Francis Bond Head*, Baronet, Lieutenant-governor of Upper Canada, &c. &c.

WHEREAS it appears that Doctor *John Rolph*, of Toronto, absconded hastily from his residence on the breaking out of the Insurrection:

And whereas, from facts which have come to the knowledge of his Excellency the Lieutenant-governor, it appears that he has been concerned in the traitorous attempt, which has happily been defeated, to subvert the Government of this Province, the above Reward of FIVE HUNDRED POUNDS is hereby offered to any one who will apprehend the said *John Rolph*, and deliver him up to justice, in the city of Toronto.

11 December 1837.

Enclosure 7, in No. 1.

Enclosure 8, in No. 1.

UPPER CANADA GAZETTE EXTRAORDINARY.

Toronto, Monday, 11 December 1837.

(By Authority.)

PROCLAMATION, UPPER CANADA.

F. B. Head.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland QUEEN, Defender of the Faith, &c. &c. &c.

Enclosure 8, in No. 1.

To our beloved and faithful Legislative Councillors of our Province of Upper Canada, and to our Knights, Citizens and Burgesses of our said Province; to our Provincial Parliament, at our City of Toronto, on Tuesday the 12th day of December instant, to be commenced, held, called and elected, and to every of you—

GREETING:

WHEREAS by our Proclamation, bearing date the Twenty-sixth day of October last, We thought fit to prorogue our Provincial Parliament to Tuesday, the Twelfth day of December instant, at which time, at our city of Toronto, you were held and constrained to appear:

NOW KNOW YE, that We, taking into our Royal consideration the ease and convenience of our loving subjects, have thought fit, by and with the advice of our Executive Council, to relieve you and each of you of your attendance at the time aforesaid, hereby convoking, and by these presents enjoining you and each of you, that on Thursday, the Twenty-first day of December instant, you meet us in our Provincial Parliament, at our city of Toronto, for the actual despatch of public business, there to take into consideration the state and welfare of our said Province of Upper Canada, and therein do as may seem necessary; and herein fail not.

No. 1.
Sir F. B. Head to
Lord Glenelg,
19 Dec. 1837.

Enclosure 8, in
No. 1.

In testimony whereof, We have caused these our Letters to be made Patent, and the Great Seal of our said Province to be hereunto affixed: Witness our trusty and well-beloved Sir Francis Bond Head, Baronet, K.C.H., &c. &c. &c., Lieutenant-governor of our said Province, at Toronto, this Eleventh day of December, in the year of our Lord One thousand eight hundred and Thirty-seven, and in the first year of our reign.

F. B. H.

By command of his Excellency in Council,

D. Cameron, Secretary.

C. A. Hagerman, Attorney-general.

Enclosure 9, in No. 1.

Toronto, 14 December 1837.

Enclosure 9, in
No. 1.

It is his Excellency's, the Lieutenant-governor, desire, that no further arrests shall be made by officers of the militia on duty, except in the case of notorious offenders.

The arms of the disaffected are, however, to be secured, as heretofore; and all officers will continue to act under the directions of the civil magistrates, for arresting and securing those for whom warrants shall be issued.

By command,

Jonas Jones.

Enclosure 10, in No. 1.

PROCLAMATION.

REWARD by command of his Excellency the Lieutenant-governor.

Enclosure 10, in
No. 1.

A REWARD is hereby offered of FIVE HUNDRED POUNDS to any one who will apprehend and deliver up to justice *Charles Duncombe*; and a Reward of TWO HUNDRED AND FIFTY POUNDS to any one who will apprehend, and deliver up to justice, *Eliakim Malcolm*, or *Finlay Malcolm*, or *Robert Alway*; and a Reward of ONE HUNDRED POUNDS to any one who will apprehend, and deliver up to justice, ——— *Anderson* (said to be a Captain in the rebel forces); or *Joshua Doan*.

All the above persons are known to have been traitorously in arms against their Sovereign; and to entitle the party apprehending either of them to the reward, he must be delivered to the civil power, at Hamilton, Niagara, London, or Toronto.

GOD SAVE THE QUEEN.

16 December 1837.

LOWER CANADA.

—No. 2.—

EXTRACT of a DESPATCH from Lieut.-general Sir *John Colborne*, K.C.B., to Major-general Lord *Fitzroy Somerset*, K.C.B., dated Head Quarters, Montreal, 22 December 1837.

No. 2.
Sir John Colborne
to Lord Fitzroy
Somerset,
22 December 1837.

I HAVE the honour to transmit to you, with reference to my despatches of the 13th and 15th instant, for the further information of the General Commanding-in-chief, the details of the late movements of the troops acting against the rebels in this district. The *habitans* in arms between the Yamaska and the Richelieu, having dispersed after the desertion of their leaders, Wolfred Nelson, De Rivieres and Brown, I directed Major Reid, of the 32d regiment, to proceed to St. John's, with part of the force which had returned to St. Charles from St. Hyacinthe, and unite with the companies, under Lieutenant-colonel Hughes, assembled at that post, for the purpose of attacking the Acadians, who had a second time taken the field, and had crossed the Richelieu, and joined the insurgents under Bouchette, at Swanton, in the United States territory. Fortunately, however, the loyal population of Missisquoi and the Shefford volunteers routed the party before it had penetrated a mile into the township of St. Armand. This vigilance of the Missisquoi militia enabled me to withdraw several companies from St. John's, and to make arrangements for entering the county of the Lake of the Two Mountains, the stronghold of the rebels of Grand Brulé and Rivière du Chêne.

I had received information that the insurgents in that section of the country had assembled in greater force, and were more fully prepared for resistance than in any other part of the district of Montreal. They had driven from their homes every loyal subject, and, pillaging an extensive tract, they provided for the reinforcements, which joined them from Vaudreuil, Terrebonne and the neighbouring counties. Girod (a foreigner), Chenier, Girouard, and De Mouchelle, the most able and active leaders of the revolt, had been for several weeks engaged in organizing the insurgents, and were in possession of all the resources of the county.

St. Eustache being the principal post, I assembled the disposable force under my command at St. Martin's on the 13th instant, and directed Major Townsend to march on the following day from Carillon with the detachment of the 24th regiment, and the volunteers of St. Andrew's towards St. Benoit.

On the 14th I crossed the north branch of the Ottawa, three miles below St. Eustache, with two brigades and six field-pieces, and the Montreal volunteer cavalry and rifle corps, while Captain Globinsky's company of volunteers attracted the attention of the rebels by marching a more direct route.

As the force which had passed the river approached St. Eustache, Colonel Maitland's brigade, consisting of the 32d and 83d regiments and the cavalry, moved in front of the town towards the St. Benoit road, followed by the second brigade, commanded by Lieutenant-colonel Wetherall, and entered it at several points.

Major Jackson, commanding the Royal Artillery, with the battery under his charge, opened a fire on the church, and the houses occupied by the rebels. Girod, and many of the rebels from St. Scholastique, abandoned the defence of the houses and walls, which they had previously occupied on the approach of the troops; but the more determined of the rebels from St. Benoit, under Chenier, continued firing from the church and adjoining houses, till they were driven from them by the fire of the field-pieces placed in front of the church by Major Jackson, and the advanced parties of the royal and 32d regiments and rifle corps, which had been posted under cover of the unoccupied houses.

The reports of the officers commanding brigades are annexed, for the information of the General Commanding-in-chief.

The troops left St. Eustache early on the 15th, and on the march to St. Benoit were met by delegates from the rebels, authorized to acquaint me that they were prepared to lay down their arms unconditionally.

On our arrival at St. Benoit, it was ascertained that all the rebel leaders had
99. abandoned

No. 2.

Sir John Colborne
to Lord Fitzroy
Somerset,
22 December 1837.

abandoned their deluded followers. I directed Colonel Maitland to proceed to St. Scholastique, with the 32d regiment and two field-pieces, and the remainder of the troops to march by St. Eustache to Montreal.

The good results of these movements have been proved by the return of the peasantry to their usual occupations, and the disappearance of armed parties of the rebels.

It is scarcely possible to suppose that the loyal and peaceable subjects, whose property had been pillaged, and who had so recently suffered from the outrages committed by the rebels of Grand Brulé and the Rivière du Chêne, a population of the worst character, could be prevented, on being liberated from their oppressors, from committing acts of violence at St. Benoit.

In adverting to the delusion which has prevailed in respect to the character of the rural population of Lower Canada, and to the extraordinary fact, that a people enjoying, under a mild government, benefits and advantages which were highly appreciated by them, had been prepared and extensively organized for a general revolt, and to blindly enter into the schemes of the factious individuals by whom they have been duped, without the knowledge of the local government, or doubt being entertained as to their loyalty or intentions, I consider it incumbent on me to observe, that the executive government has been, for many years, totally excluded and cut off from all communication with the *habitans* of every district; they, being in the hands and under the control of *avocats*, notaries and persons of the medical profession, residing among them, have been corrupted by them, acting under the direction of Mr. Papineau and his faction, and an unrestrained and seditious press. I have no hesitation in conveying this expression of my opinion to Her Majesty's Government, lest too much reliance should be placed on the promises and addresses of a most ignorant peasantry, that have been for many years under the control of ambitious and unprincipled individuals, to whom I have alluded.

The several departments under my orders have at this critical period, by their great exertions, enabled me to assemble the troops promptly.

I have to assure the General Commanding-in-chief, that, from the time that the rebels appeared in position, no opportunity has been lost in attacking them constantly, as soon as a sufficient force could be collected to march against them, without exposing or leaving unprotected the important stations of Montreal, Chambly, St. John's and Sorel.

I have received on every occasion a zealous assistance from the Deputy Adjutant-general Lieutenant-colonel Eden, and the Deputy Quartermaster-general, Colonel Gore, and the officers of my personal staff, and from Captain Foster, Royal Engineers, and Majors Jackson and Macbean, Royal Artillery, and the respective officers.

The Commissary-general has, by his able arrangement, greatly facilitated the movement of the troops in this district, and of the reinforcements on the march from New Brunswick.

On my return from the county of the Lake of the Two Mountains, I ordered part of the 24th regiment to proceed in sleighs to Kingston and Toronto. I find, however, from my reports from Toronto, that the loyal Upper Canadians are fully prepared to defend their institutions, and to ensure the preservation of the public peace, without the aid of Her Majesty's troops.

I cannot close this despatch without mentioning that all the corps of volunteers of Montreal have occasionally taken the duties of this garrison, and thus enabled me to leave the town under their protection.

From the reports and communications from every district, order has been restored.

Enclosure 1, in No. 2.

Montreal Barracks, Lower Canada,
December 20, 1837.

Enclosure 1, in
No. 2.

Sir,

I HAVE the honour to report to your Excellency the course of proceedings of the 1st brigade under my command, consisting of the 32d regiment, commanded by Brevet Major Reid, and the 83d regiment, commanded by Lieut.-colonel the Hon. Henry Dundas.

The troops having assembled at St. Martin's on the 13th instant, on the morning of the 14th the 1st brigade took the advance of the troops to be employed under your Excellency against the rebels, assembled in force at St. Eustache. We left St. Martin's at eight A.M., and about eleven o'clock crossed the river on the ice without opposition, about half a league below St. Eustache, the light company of the 32d regiment, with two guns, under the command

AFFAIRS OF LOWER CANADA AND UPPER CANADA.

13

No. 2.

Sir John Colborne
to Lord Fitzroy
Somerset,
22 December 1837.

Enclosure 1, in
No. 2.

command of Major Jackson, Royal Artillery, covering the advance of the troops. On our near approach, the rebels were seen crossing the ice in divisions to an island opposite the town, when orders were given by your Excellency for the two guns to open a fire upon them, which had the effect of making them retire back into the town.

The brigade again advanced in the same order, and the guns took up a position and opened a fire upon the church; as I perceived with my glass that they appeared to occupy the church in considerable force, the guns still continued to cannonade the church. I then, agreeable to the directions of your Excellency, changed direction to the right with the brigade, the 32d regiment leading, covered by its light company, and followed by the 83d regiment, under the command of Lieutenant-colonel the Honourable Henry Dundas, with a view of securing the roads and bridges from the opposite side of the town leading to the Grand Brulé road, where it was supposed that the rebels would eventually make a stand; the troops at this movement were within musket-shot of the town, and found the greatest difficulty in their advance, owing to the ruggedness of the ploughed fields, the depth of snow, and the strong fences they had to break through; they exerted themselves for this purpose with the greatest energy, and, having taken possession of the roads and bridges, succeeded in taking a number of prisoners, who were running in great confusion from the town. My object being here accomplished, I left detachments of the 83d to secure these places, and pushed in advance with the whole of the 32d regiment towards the church, and occupied houses close to it on that side of the town. After remaining there some time, firing on the rebels in the church, I found myself obliged to withdraw from that advanced situation, as the regiment was then unavoidably exposed to the fire of our own artillery from the opposite side of the town, as well as that of the rebels, but detached the grenadiers, 1st and 2d companies, to favourable positions, to intercept any of the rebels attempting to escape from the church, and which answered effectually, as, upon the taking of that building, a number of the rebels fell under the fire of part of these companies. On an attack like this, upon a town, much remains with the individual superintendence of commanding officers of battalions, and, about this time, the 83d regiment were, by your Excellency's orders, directed to enter the town in another direction, in support of the 2d battalion of the royal regiment; fortunately we experienced no loss, owing to the favourable cover afforded the troops by the number of houses in this neighbourhood; the 32d regiment had only one man severely wounded.

I beg leave to recommend to your notice Brevet Major Reid, who commanded the 32d regiment the greater part of the day, my time being necessarily occupied in command of the brigade. The soldiers conducted themselves with steadiness and coolness, and showed great forbearance to the captured rebels. The church being soon taken, and the town in possession of the troops under your Excellency, and quartered there for that night, the brigade marched with the remainder of the division the following morning to St. Benoit, a distance of 12 miles from St. Eustache, and, meeting no opposition, entered the town, and remained there for that night. On the morning of the 16th, in obedience to your Excellency's orders, I marched to St. Scholastique, with two guns, under the command of Captain Howell, Royal Artillery, and the 32d regiment. On my approach to the town I was met by the inhabitants of it with white flags; they surrendered up to me their arms and ammunition. I remained in this village for the night, and marched the following morning to St. Therese, where I halted for the night of the 17th; at this place also a number of arms were surrendered to me by the inhabitants. In the course of the evening I received information that W. H. Scott, of St. Eustache, one of the rebel chiefs, was concealed in a farm-house about five miles from the village.

I immediately despatched five of the cavalry who were attached to me in pursuit of him, and I am happy to say they succeeded in taking him prisoner.

The measure of your Excellency, in directing this force to march through this part of the country, appeared to me to have the most beneficial effect in restoring good order and tranquillizing the minds of the people.

On the morning of the 18th I marched to St. Martin's, on my return to Montreal, where I arrived the following day, at one o'clock.

I have the honour to be, &c.

John Maitland,
Lieut.-col. commanding 32d Regiment,
Col. commanding 1st Brigade.

His Excellency Lieutenant-general Sir John Colborne, K.C.B. and G.C.H.,
Commanding the Forces, &c. &c. &c.

Enclosure 2, in No. 2.

Sir,

Montreal Barracks, 21 December 1837.

In obedience to the orders of the Lieutenant-general commanding, I have the honour to report the progress of the brigade under my command, comprised as per margin, in the operations against St. Eustache and St. Benoit.

The brigade assembled at St. Martin on the 13th instant.

On the following morning, the 14th, Globinsky's volunteers were detached on the upper road to St. Eustache, the woods bordering on which were occupied by some picquets of the rebels, and which the volunteers drove in or dispersed.

99.

The

Enclosure 2, in
No. 2.

2d Battalion,
the Royal Montreal
Rifles, Globinsky's
Volunteers.

No. 2.

Sir John Colborne
to Lord Fitzroy
Somerset,
22 December 1837.

Enclosure 2, in
No. 2.

The other troops of the brigade proceeded with the rest of the force by the La Rose road, crossing the Ottawa on the ice, about three miles below the village of St. Eustache.

At about 600 or 700 yards from St. Eustache the artillery were found in position, battering the church and adjoining houses.

I was here directed to follow the 1st brigade, which was making a detour of the village, for the purpose of cutting off the retreat of the rebels by the St. Benoit road; but on arriving opposite the centre of the village I was directed to enter it, which I did, and having advanced up the main street, occupying the most defensible houses, and meeting with no opposition, I reported the circumstance to the Lieutenant-general, who desired me to detach an officer to bring up the artillery; in executing this duty the officer was driven back by a fire from the church, and the artillery entered the village by the rear, and opened their fire on the church-door at the distance of 280 yards, while some companies of the Royal Regiment and the Rifles occupied the houses nearest to the church; after about an hour's firing, and the church-doors remaining unforced, a party of the Royal Regiment assaulted the Presbytery, killed some of its defenders, and set it on fire.

The smoke soon enveloped the church, and the remainder of the battalion advanced; a straggling fire opened upon them from the Seigneur's house, forming one face of the square in which the church stood, and I directed the grenadiers to carry it, which they did, killing several, taking many prisoners, and setting it on fire.

At the same time part of the battalion, led by Major Gagy, Provincial Assistant Quartermaster-general, and commanded by Major Warde, entered the church by the rear, and drove out and slew its garrison, and set the church on fire; 118 prisoners were made in these assaults.

Lieutenant Ormsby's conduct was very conspicuous; Major Gagy was severely wounded, and the Royal Regiment had one man killed and four wounded; and no other casualty occurred in the brigade.

On the morning of the 15th, Globinsky's corps was left at St. Eustache, in charge of prisoners, and the remainder of the brigade, with the force under his Excellency's orders, marched to St. Benoit, where no opposition was offered.

On the 17th the brigade returned to Montreal, bringing with it the prisoners.

I have the honour to be, &c.

The Deputy Quartermaster-general, &c. &c.
Montreal.

G. A. Wetherall,
Commanding 2d Batt. Royal Regiment.

Enclosure 3, in No. 2.

Enclosure 3, in
No. 2.

RETURN of Killed and Wounded of the Troops under the Command of his Excellency Lieutenant-general Sir John Colborne. K.C.B. and G.C.H., in the Operation against St. Eustache, on the 14th December 1837.

Montreal, 20 December 1837.

Royal Artillery—1 corporal, 2 privates, wounded.

2d Batt. 1st or Royal Regt.—1 private killed; 4 privates wounded.

32d Regt.—1 private wounded.

Total—1 private killed; 1 corporal, 7 privates, wounded.

N.B.—Major B. C. A. Gagy, Provincial Assistant Quartermaster-general, was also severely wounded.

John Eden, Dy. Adj. Gen.

CANADA.

FURTHER

COPIES OR EXTRACTS

OF

CORRESPONDENCE

RELATIVE TO THE

AFFAIRS OF LOWER CANADA

AND

UPPER CANADA.

(In continuation of Papers presented to Parliament on the
23d December 1837, No. 72, and 16th January 1838,
No. 80.)

[Presented by Her Majesty's Command.]

Ordered, by The House of Commons, to be Printed,
29 January 1838.

LOWER CANADA
AND
UPPER CANADA.

FURTHER
COPIES OR EXTRACTS
OF
CORRESPONDENCE RELATIVE TO THE AFFAIRS
OF
LOWER CANADA AND UPPER CANADA.

*(In continuation of Papers presented to Parliament on the 23d December 1837, No. 72,
and the 16th & 29th January 1838, Nos. 80 & 99.)*

[PRESENTED BY HER MAJESTY'S COMMAND.]

*Ordered, by The House of Commons, to be Printed,
2 February 1838.*

S C H E D U L E.

L O W E R C A N A D A.

- No. 1.—Copy of a Despatch from the Earl of Gosford to Lord Glenelg, dated Castle of St. Lewis, Quebec, 23 December 1837 (seven Enclosures) - - - p. 3
- No. 2.—Extract of a Despatch from the Earl of Gosford to Lord Glenelg, dated Castle of St. Lewis, Quebec, 28 December 1837 - - - - - p. 11
- No. 3.—Extract of a Despatch from Lieutenant-general Sir John Colborne, G. C. B., to Major-general Lord Fitzroy Somerset, K. C. B., dated Head Quarters, Montreal, 2 January 1838 - - - - - p. 12

U P P E R C A N A D A.

- No. 4.—Copy of a Despatch from Lieutenant-governor Sir F. B. Head, Bart., to Lord Glenelg, dated Toronto, 28 December 1837 (two Enclosures) - - - p. 15

LOWER CANADA.

— No. 1. —

COPY of a DESPATCH from the Earl of Gosford to Lord Glenelg.

My Lord,

Castle of St. Lewis, Quebec, 23 December 1837.

IN my Despatch of the 6th instant, No. 130, I informed your Lordship of Lieutenant-colonel Wetherall's safe return to Montreal on the 20th ultimo, and that Colonel Gore, who had been a second time despatched to make another attack on St. Denis, if necessary, had passed unopposed through that place and St. Charles on his way to St. Hyacinthe, where it was reported the rebels had collected.

I have now the honour to acquaint you, in continuation, that this report proved unfounded, and that Colonel Gore entered St. Hyacinthe on the 4th instant, without opposition, or without having succeeded in securing (which was one of the objects of his mission) any of the rebel leaders; and after leaving a part of his force in St. Denis and St. Charles, returned with the remainder to Montreal on the 7th, bringing in the five wounded soldiers left behind on his former expedition, and the body of Lieutenant Weir, which was found concealed in the waters of the Richelieu. It now appears that, when the first attack was made on St. Denis, this young officer, who, from taking a wrong route, had been captured by the rebels, was sent off by them in a waggon to St. Charles, closely pinioned, and in charge of three or four of their party, who inhumanly murdered him on the road. This tragical event, and another deliberate and unprovoked murder committed a short time afterwards near St. John's by some of the insurgents, upon a loyal Canadian named Chartrand, on account, it is supposed, of his having joined one of the volunteer corps, have excited a great sensation in the public mind, and I did not hesitate to issue proclamations, offering a reward of 500*l.* for the apprehension of the murderers of Lieutenant Weir, and of 300 *l.* for the apprehension of those implicated in the murder of Chartrand. I am happy to add, that the persons believed to have been principally concerned in both these atrocities are now secured in the Montreal gaol.

After the complete dispersion of the insurgents in the counties on the banks of the Richelieu, their leaders betook themselves to the United States. One of them, however, Wolfred Nelson, who commanded at St. Denis, was captured near the lines by a small party of the Missiskoui volunteers, and is now in gaol at Montreal. Others reached the States, where they have been in some degree successful in exciting in favour of the rebel cause the sympathy of a portion of the lower classes of the inhabitants of the State of Vermont, and obtaining assistance in warlike supplies. A body of about 200 who had crossed over to Swanton in that State from the county of Acadie and its neighbourhood, for the purpose of joining their leaders and procuring arms and ammunition, were encountered on their return on the night of the 6th instant, near the village of Philipsburg, in the county of Missiskoui, by a party of loyal volunteers under the immediate command of Captain O. J. Kemp, who had but an hour or two previously received a supply of arms which had been sent from Montreal for distribution, and after an engagement of about 10 minutes, the rebels were forced to retreat over the lines, with the loss of one killed, five prisoners, two pieces of cannon, 70 muskets, two standards, and a small quantity of ammunition, and without any casualty on the part of the volunteers. Among the wounded, the number of which is not known, were the two leaders, Gagnon and R. S. M. Bouchette, the former of whom has since died of his wounds in the States, and the latter, who was taken prisoner, is now in the Montreal gaol. This was really a spirited affair on the part of the volunteers, who turned out on the shortest notice, and almost unprepared, to attack the rebels, with a zeal and determination that cannot fail to produce a most salutary impression on both sides of the lines.

I now proceed to inform your Lordship of the military operations that have taken place in the county of the Two Mountains, where, as mentioned in my despatch of the 6th instant, the rebels were understood to have intrenched themselves in force, and where the spirit of disaffection, accompanied by acts of out-

No. 1.

Earl of Gosford
to Lord Glenelg,
23 December 1837.

*Vide Papers relative
to the Affairs of
Canada, presented
to Parliament
16 January 1838,
page 14.*

No. 1.

Earl of Gosford
to Lord Glenelg,
23 December 1837.

rage against the peaceable inhabitants, first broke out, and has all along displayed itself with the greatest violence.

On the 10th instant, a small detachment, consisting of two companies of the 32d regiment, and a few of the Royal Artillery, with one gun, was pushed forward to St. Martin, on Isle Jesus, for the purpose of securing the bridge, by which it would be necessary to cross from the Island of Montreal in order to reach the fortified villages of St. Eustache and St. Benoit, the latter situated in that part of the county of the Two Mountains called the "Grand Brulé." On the morning of the 13th the force destined for the expedition left Montreal for St. Eustache, under the immediate command of Sir John Colborne, consisting, besides the detachment already posted at St. Martin, of the royal regiment under Lieutenant-colonel Wetherall; the 32d, under the Honourable Colonel Maitland; the 83d, under the Honourable Lieutenant-colonel Dundas; a portion of the Royal Artillery, with six guns, under Major Jackson, and a number of volunteers, both horse and foot; in all about 1,300 men. On the 14th they crossed the river Ottawa, from Isle Jesus to the mainland, about three miles below St. Eustache, and, after having been fired upon in their approach, invested that village about mid-day. Many of the rebels made their escape on the appearance of the troops, among whom was the supposed Commander-in-chief Girod; but others, to the number, as far as it can be ascertained, of about 400, under the command of Dr. Chenier, obstinately defended themselves in the church and adjoining buildings, which they had barricaded, and from which, after their defences had been destroyed by the artillery, they were driven in about an hour. The church and buildings took fire and were burnt, together with several houses in the village belonging to notorious rebels. The number killed amounted, at the lowest computation, to 100, and 120 were taken prisoners. The loss, on the part of the troops, was one killed and three or four wounded.

The principal leaders in this part of the country were Dr. Chenier, Amury Girod, an alien, W. H. Scott and J. J. Girouard, Members of Parliament, and Mr. Etienne Chartier, a priest and curé of St. Benoit; of these, the two latter are still at large; Chenier was killed in the church at St. Eustache; Scott has since been arrested while attempting to escape, and lodged in the Montreal gaol; and Girod, when on the point of being captured by a party of cavalry despatched for the purpose, shot himself in a house where he had taken refuge. On his body being brought to Montreal, an inquest was held on it, and a verdict returned of "Suicide whilst flying from justice as a rebel."

On the following morning, Friday, the 15th, the troops left St. Eustache for St. Benoit, where it had all along been understood the greatest preparations for resistance had been made, and arrived there shortly after mid-day, unopposed, having on their march been met by a deputation of Canadians, who announced the flight of their leaders, and the anxiety of those remaining in the village to lay down their arms and to surrender unconditionally. If they had not taken this step, the loss of life must have been very severe, as they were completely hemmed in, a force under Major Townshend, consisting of a part of the 24th regiment and a party of volunteers, having, as a combined movement, marched from Carrillon in the opposite direction, and arrived at St. Benoit shortly after Sir John entered it. During the brief stay of the troops at that place, from 150 to 200 individuals surrendered themselves with their arms, and were discharged, in pursuance of a proclamation issued by Sir John Colborne immediately after the affair at St. Eustache, calling upon the *habitans* to come in and lay down their arms, and assuring those who should obey, provided they were not especially implicated in the graver crimes of insurrection, of a free pardon. I regret to add, that this village suffered severely by fire, but whether from design or accident I am not yet informed. The exasperation of the settlers of British origin in the neighbourhood was, I understand, very great, in consequence of the severities they had previously experienced at the hands of the other inhabitants of the parish, and it is not improbable that the desire of retaliation may have led to this destruction of property. It was not the work of the troops.

The following day, the 16th, Sir John Colborne and his staff returned to Montreal with the Volunteer Cavalry. The 32d regiment, under the Hon. Lieutenant-colonel Maitland, marched to the village of St. Scholastique, and were met on their arrival by about 300 persons with flags of truce, who gave themselves up, with about 50 stand of arms. On entering this village, several groups of *habitans* were seen assembled from different parts of the parish to the number of

Earl of Gosford
to Lord Glenelg,
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of 500 or 600, who received the troops with frequent cheers for the Queen. Colonel Maitland then proceeded with his regiment to the village of St. Thérèse, unopposed, and reports that his march thither was attended with the best effects, the appearance of the troops striking terror among the ill-disposed, while it gave confidence to the loyal inhabitants who had been pillaged and driven from their properties, and who were now met joyfully returning in all directions to their homes. On the 19th the Colonel re-entered Montreal, where the remainder of the expedition had arrived two days before, the detachment under Major Townshend having returned to Carrillon. Thus have the measures adopted for putting down this reckless revolt been crowned with entire success. Wherever an armed body has shown itself it has been completely dispersed; the principal instigators and leaders have been killed, taken or forced into exile; there is no longer a head, concert or organization amongst the deluded and betrayed *habitans*; all the newspaper organs of revolution in the province, the "Vindicator," "Minerve," and "Liberal," are no longer in existence, having ceased to appear about the commencement of the present troubles; and in the short space of a month, a rebellion, which, at first, wore so threatening an aspect, has, with much less loss of life than could be expected, been effectually put down. It will, however, still be incumbent on the executive government to maintain for some time longer a guarded and vigilant attitude.

Of Mr. Papineau's movements or place of refuge nothing is known; and of the 20 other individuals who have been most conspicuous in the late insurrection, four have been killed,—Ovide Perrault, M. P. P., Julien Gagnon, J. O. Chenier and Amury Girod; eight are in prison,—Wolfred Nelson, W. H. Scott, M. P. P., Desrivières, F. Tavernier, R. S. M. Bouchette, G. P. de Boucherville, A. Ouimet and the Rev. Mr. Blanchette, curé of St. Charles; and the remaining nine, mentioned in the margin, are supposed to be now in the United States. The total number of prisoners in custody on charges of high treason or sedition amounts to 169.

Loyal addresses are daily pouring in upon me from the French Canadian population in all parts of the province, expressing their fidelity to the Queen and their attachment to British connexion, and strongly reprobating the selfish ambition and treasonable designs which have thus ruthlessly involved one of the fairest portions of the country in all the horrors of civil war. These addresses are too numerous to be all forwarded to your Lordship, but I transmit three, two at the request of the memorialists, and the other, as it proceeded from a large and influential portion of the French Canadian inhabitants of the city of Montreal. I also enclose my answers to each.

Although the feeling among the lower orders on the borders of the neighbouring states has, by the most artful and unfounded misrepresentations, been strongly excited in favour of the late rebellion, the more respectable and well-informed classes of society and the public authorities have discountenanced it. The governor of Vermont, on an address from several of the inhabitants of that State, issued on the 13th instant a proclamation cautioning his fellow-citizens, with reference to occurrences in this province, against all acts that might subject them to the penalties of the law, or in anywise compromise the Government; and I am informed, though not yet officially, that the president, whose attention I had requested our minister at Washington to call to the subject, has publicly expressed his determination faithfully to discharge, as far as his power extends, all the obligations due in such circumstances from the Government under his direction, and especially that which requires that there should be no interference with the domestic disputes of friendly nations. He has accordingly instructed the public authorities of the frontier states to be attentive to all movements of a hostile character contemplated or attempted within their districts, and to prosecute without discrimination all violators of those laws of the United States which have been enacted to preserve peace with foreign powers, and to fulfil the obligations of treaties with them. In order to prevent, as far as I can, any ground of complaint against ourselves, I also have issued a proclamation dated the 20th instant, strictly enjoining Her Majesty's subjects to abstain from the commission of all acts inconsistent with the friendly relations subsisting between the Governments of Great Britain and the United States; this was only a measure of precaution, for I am happy to say that I have heard of no instance of aggression having been committed upon the citizens or territory of the United States.

E. B. O'Callaghan,
M. P. P.
C. H. O. Côte, do.
A. Jobin, do.
E. E. Rodier, do.
J. J. Girouard, do.
J. T. Drolet, do.
Rev. Mr. Chartier,
curé of St. Benoit.
L. Duvernay.
T. S. Brown.

Enclosure, No. 1,
Laprairie, 8 Dec.
1837.

Enclosure, No. 2,
St. Vincent de Paul,
12 Dec. 1837.

Enclosure, No. 3,
Montreal, 4 Dec.
1837.

Enclosure, No. 4.

Enclosure, No. 5.

Enclosure, No. 6.

No. 1.

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to Lord Glenelg,
23 December 1837.

Your Lordship will, I am sure, learn with as much satisfaction as I experience in mentioning the fact, that the promulgation of martial law in the district of Montreal has as yet been productive only of acts of lenity and mercy: not a single individual has suffered or been molested under it in any way, but 112 of the deluded *habitans* who had been taken in arms have been restored to liberty. This unexpected act of grace conferred in the midst of the rebellion, while it marks the humane disposition of the Government, proclaims at the same time its consciousness of strength and security, will probably produce tranquillizing effects in the hitherto disturbed sections of the country, and give the best answer to the false statements that have most industriously been circulated in the adjoining States, of the cruelty and oppression alleged to have been practised against the insurgents and the Canadians generally.

V. Tétu.
A. Berthelot.
H. S. Huot.
L. Méthot.
A. C. Taschereau.
P. M. Bardy.
L. T. Besserer.
L. Leslie.
L. H. Lafontaine.
A. Godbout.
J. F. De Blois.
A. N. Morin.
J. A. Taschereau.
H. Dubord.

I have recently received an address, dated the 5th instant, from the members of the House of Assembly, whose names are mentioned in the margin, urging me immediately to convoke the Provincial Parliament, as the only efficacious remedy, in their opinion, for the re-establishment of peace and harmony in the country; but as this application expressed the individual opinions of only 14 of the 90 members of the House, and as I did not conceive on general grounds that such a course of proceeding would, under existing circumstances, be either prudent or advisable, I declined to adopt it. Indeed it would have been a virtual disfranchisement, for the session, of several counties whose members are either in gaol or fugitives, under the charge of high treason, and for the apprehension of many of whom a reward has been offered. Besides any measures adopted by the local legislature in the present position of affairs would probably hereafter be considered as the result of a constraint produced by recent events, an impression that could not fail to destroy in the public mind those feelings of confidence and respect which the proceedings of a legislative body ought at all times to command.

Enclosure, No. 7,
11 December 1837.

The energy and activity displayed by the troops, the numerous offers of service from large portions of the population in various parts of the province, to enrol themselves in volunteer corps for the defence of the Government, the discomfiture of the rebellious faction in Upper Canada, the favourable disposition of the Roman Catholic clergy, encouraged and strengthened by a recent pastoral letter of the Bishop of Quebec, which was read on the 19th instant in all the churches of his diocese, and a copy of which is enclosed,—all combine to assure me that no further organized attempt is likely to be made to interrupt the public tranquillity.

In conclusion, I may mention that, with the advice of the executive council, I issued, on the 21st instant, a commission, empowering certain persons in different parts of the province, to tender and administer the oath of allegiance to Her Majesty's subjects therein; that the 43d and 85th regiments are daily expected in Quebec, having left New Brunswick about the 11th instant, and that this reinforcement, with the volunteer force now under arms, will confirm the feelings of security and freedom from apprehension that have lately begun to spring up throughout the province.

I have, &c.

(signed) Gosford.

Enclosure 1, in No. 1.

LOYAL ADDRESS from the Parish of *Laprairie*.

À son Excellence le très Honorable *Archibald* Comte de *Gosford*, &c. &c. &c.

Qu'il plaise à votre Excellence,

Enclosure 1, in
No. 1.

Nous fidèles et loyaux sujets Canadiens d'origine française, résidant dans la paroisse de *Laprairie*, demandons la permission de nous approcher respectueusement de votre Excellence, pour lui exprimer d'une manière libre, franche, candide et sincère, notre fidélité et notre attachement inviolables au Gouvernement de notre très-gracieuse Dame et Souveraine Reine Victoria.

Des hommes qu'une longue habitude de confiance, nous avaient fait penser devoir être les amis du pays, se sont tout à coup démasqués à nos yeux, ils viennent de prouver que l'ambition et la trahison étaient leurs seuls mobiles. Malheureusement ils ont séduit, aveuglé, entraîné, obligé même plusieurs de nos frères à s'engager dans une lutte paracide, et le sang a coulé, et la guerre civile a désolé quelques parties d'un territoire sur lequel avait toujours régné la plus profonde paix.

Nous

AFFAIRS OF LOWER CANADA AND UPPER CANADA.

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Nous gémissons sur le sort qui attend les coupables ; moins par compassion pour une punition qu'ils ont justement mérité que parcequ'ils ont imprimé une tache sur notre origine, et que parcequ'ils ont compromis les libertés dont nous jouissons, si nous n'avions le bonheur de vivre sous un Gouvernement paternel, qui ne frappe qu'à regret et qui pardonne l'erreur.

Nous supplions votre Excellence de daigner mettre au pied de Sa très-gracieuse Majesté notre Souveraine Dame la Reine Victoria, l'expression de notre reconnaissance pour le bienfait que ses predecesseurs et elle-même n'ont cessé de repandre sur cette partie de leurs dominations.

Il nous est impossible de terminer sans exprimer à votre Excellence les sentimens d'admiration que nous ressentons pour tous les actes de son administration qui demontrent une bienveillance, une libéralité, une magnanimité qu'il est rare de rencontrer dans un homme placé au milieu des circonstances difficiles qui se sont présentées. Votre Excellence a prouvé qu'on peut mettre d'accord les devoirs les plus impérieux avec l'humanité la plus étendue, et pour nous servir de l'une des belles expressions de la proclamation, que nous devons à sa sagesse éclairée, nous disons, que nous sommes prêts à nous précipiter en avant, comme un seul homme, afin de prouver notre gratitude pour les bienfaits dont nous jouissons.

Paroisse de Laprairie, le 8 Décembre 1837.

(Signed by the Rev. J. B. Boucher and 230 inhabitants.)

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to Lord Glenelg,
23 December 1837.

Enclosure 1, in
No. 1.

Enclosure 2, in No. 1.

LOYAL ADDRESS from the Parish of *St. Vincent de Paul*, in the County of *Terrebonne*.

A son Excellence le très Honorable *Archibald* Comte de *Gosford*, Baron *Worlingham*, de Beccles, dans le Comté de Suffolk, Capitaine-Général et Gouverneur-en-Chef dans et sur les Provinces du Haut et du Bas Canada, &c. &c. &c.

Enclosure 2, in
No. 1.

Qu'il plaise à votre Excellence,

Nous, soussignés, les fidèles et loyaux sujets de Sa Majesté la Reine Victoria, habitans de la paroisse de *St. Vincent de Paul*, dans la seigneurie de l'île Jésus, comté de *Terrebonne*, district de *Montréal*, prenons la liberté d'approcher respectueusement de votre Excellence, pour lui exprimer notre fidélité et notre loyauté envers notre très-gracieuse Reine, et notre attachement sincère aux liens qui unissent cette province avec l'Empire Britannique. Nous déplorons les scènes criminelles et désastreuses qui viennent de désoler ce pays naguère si heureux, et nous prions votre Excellence d'avoir une entière confiance dans la ferme détermination où nous sommes de faire tous nos efforts pour seconder les vues bien veillantes et paternelles de votre Excellence, exprimées dans la proclamation qu'elle vient d'émaner, pour rappeler au devoir nos compatriotes égarés, pour maintenir la tranquillité publique, et pour faire régner la paix, l'union, l'harmonie et la concorde entre toutes les classes des sujets de Sa Majesté en ce pays, sans distinction d'origine ; et nous sommes, comme nous le serons toujours, prêts à nous montrer les plus zélés défenseurs du gouvernement de notre très-gracieuse Souveraine. Nous prions en outre votre Excellence de vouloir bien faire parvenir aux pieds du trône, cette expression de nos sentimens envers le gouvernement de Sa Majesté.

(Signed by 453 individuals.)

St. Vincent de Paul, ce 12 Decembre 1837.

Enclosure 3, in No. 1.

LOYAL ADDRESS from a Number of French Canadians in the City of *Montreal*.

À son Excellence le très Hon. *Archibald* Comte de *Gosford*, Baron *Worlingham*, de Beccles, dans le Comté de Suffolk, Capitaine-Général et Gouverneur-en-Chef dans et pour les Provinces du Bas Canada, &c. &c. &c.

Enclosure 3, in
No. 1.

Qu'il plaise à votre Excellence,

Nous, loyaux sujets Canadiens d'origine française, residant en la cité de *Montréal*, demandons la permission de nous approcher respectueusement de votre Excellence, pour lui exprimer d'une manière franche et sincère notre fidélité et notre attachement inviolables au gouvernement de notre très-gracieuse Souveraine.

Nous serions indignes de la confiance que le gouvernement de Sa Majesté a toujours montré envers ses loyaux sujets Canadiens, si nous ne nous empressions de venir à son secours, dans un moment surtout où des troubles d'une nature désastreuse et l'esprit d'insubordination et de révolte se manifestent sur divers points de ce district et mettent le gouvernement dans un grand danger.

Des hommes éclairés, sans doute, qui jusqu'à present avaient soin de la confiance d'une grande partie de notre population, et qui faussement s'offraient à elle comme des réformateurs justes et sincères, ont tout-à-coup abandonné la ligne de conduite qu'ils avaient suivie jusqu'à

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jusqu'à ce jour; au lieu d'attendre du Gouvernement Britannique la reforme de certains griefs dont ils se plaignaient depuis plusieurs années, que ce Gouvernement avait reconnus comme justes, et à une partie desquels il a déjà remédié; ils ont fait publiquement appel aux armes pour l'intimider et lui ravir par la force les concessions qu'il avait promis de nous faire. Ils se sont servis de leur influence pour égarer une partie du peuple et l'aveugler sur ses plus grands intérêts; ils ont perverti la morale des habitans de nos compagnes, naguères si loyaux et si paisibles, au point de les entraîner dans les excès les plus coupables dans les crimes des brigandages les plus revoltans, et finalement dans une rébellion ouverte à l'autorité légitime.

Nous prions votre Excellence de vouloir bien être assurée que c'est avec le plus profond et le plus douloureux regret que nous voyons cet état de choses allarmant, triste mais inévitable résultat des maximes pernicieuses et subversives que ces hommes mal-intentionnés et pervers ont hautement professées.

Nous prions votre Excellence de croire que nous serons toujours reconnoissans des bienfaits dont la population française de cette province a toujours joui sous le Gouvernement paternel de l'Empire Britannique, par la protection accordée à sa religion, à sa langue, à ses loix et à ses institutions, et que mus par les sentimens d'honneur et de loyauté dont nous avons hérité de nos pères, nous persévererons comme nous l'avons toujours fait à maintenir indissolubles les liens qui nous unissent si étroitement et si avantageusement à la mère patrie.

Nous ferons tous nos efforts pour seconder les vues bien veillantes et paternelles de votre Excellence, exprimées dans la proclamation qu'elle vient d'émaner, pour rappeler au devoir nos compatriotes égarés, et pour rétablir la paix et l'union dans toutes les classes des sujets de Sa Majesté en ce pays sans distinction d'origine. Et nous sommes comme nous le serons toujours prêts à nous montrer les plus zélés défenseurs du Gouvernement de notre très-gracieuse Souveraine.

(Signed by Twelve hundred and eighty-one.)

Montreal, 4 Dec. 1837.

Enclosure 4, in No. 1.

ANSWER to Loyal Address from the Parish of *Laprairie*.

Sir,

Castle St. Lewis, Quebec, 15 December 1837.

Enclosure 4, in
No. 1.

I HAVE the honour to acknowledge the receipt yesterday of your letter of the 10th instant, enclosing a loyal address from 228 of Her Majesty's subjects of French origin, residing in the parish of Laprairie, and to acquaint you that, having immediately submitted the same to the Governor-in-chief, his Excellency has commanded me to convey through you to the signers thereof the lively satisfaction he has experienced at receiving this assurance of their inviolable fidelity and attachment to the Government of our most Gracious Sovereign.

It is matter of consolation to his Excellency to learn from the memorialists, that they now view in its true colours the baneful and criminal conduct of those evil-disposed men by whom they in common, with a large position of their fellow-subjects, have been so cruelly and fatally deceived, and who, by abusing the influence they had acquired over the minds of their confiding countrymen, have reduced a large portion of this hitherto peaceful and happy province to its present deplorable and melancholy situation. His Excellency receives the present address as a pledge on the part of those who concur in it, that they will use their utmost endeavours to promote the restoration of public tranquillity, and diligently inculcate that respectful obedience to the laws and constituted authorities which is the true foundation of all social order.

Under this impression, his Excellency has directed me to assure the memorialists that he will with pleasure communicate, as requested, their sentiments to our most Gracious Queen, by transmitting their address to be laid at the foot of the Throne.

In conclusion, his Excellency desires me to express his best thanks for that portion of the address which alludes to him personally, feeling as he does that all the acts of his administration have been dictated by a sincere desire to promote the peace, happiness and prosperity of every part of the province under his immediate government.

I have, &c.

(signed) S. Walcott, Civil Secretary.

Enclosure 5, in No. 1.

ANSWER to Loyal Address from the Parish of *St. Vincent de Paul*, in the County of *Terrebonne*.

Reverend Sir,

Castle St. Lewis, Quebec, 19 December 1837.

Enclosure 5, in
No. 1.

HAVING laid before the Governor-in-chief the address from a number of inhabitants of the parish of St. Vincent de Paul, in the county of Terrebonne, which I yesterday received through you for that purpose, I have been directed by his Excellency to request you to acquaint

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acquaint those who concurred in the address, that he receives with great satisfaction this public declaration of their loyalty to our most Gracious Queen, and of their sincere attachment to the union subsisting between this province and the parent state.

No one, his Excellency desires me to assure the memorialists, deplores more than he does the distressing scenes that have resulted from the criminal proceedings of ambitious and designing men, who have not hesitated recklessly to involve a portion of this hitherto happy country in the desolation and sufferings inseparable from civil war.

His Excellency accepts with confidence the assurance of the firm determination of the memorialists to second his endeavours for the restoration of the blessings of peace and harmony, and of their readiness at all times zealously to defend the Government of our most Gracious Sovereign, to the foot of whose Throne he will not fail to convey, as they request, the expression of their loyal sentiments on this occasion.

I have, &c.

(signed) S. Walcott, Civil Secretary.

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to Lord Glenelg,
23 December 1837.

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No. 1.

Enclosure 6, in No. 1.

ANSWER to Loyal Address from the French Canadians in the City of *Montreal*.

Gentlemen,

Castle of St. Lewis, Quebec, 13 December 1837.

I THIS day had the honour to receive your letter of the 9th instant, enclosing the resolutions passed on the 4th at a meeting of the citizens of Montreal, of French origin, together with the very numerous signed address to the Governor-in-chief, which was unanimously adopted at that meeting; and having submitted the same to his Excellency, he has commanded me to request that you would be good enough to signify to the signers of this address that it has afforded him a very lively satisfaction to receive at this conjuncture from the citizens of French origin in Montreal the frank expression of gratitude, loyalty and attachment to the Government of Great Britain which it contains.

His Excellency has also directed me to add, that it is his intention at an early opportunity to transmit the proceedings of the meeting to the Secretary of State for the Colonies, in order that the same may be laid at the foot of the Throne, as a testimony that a large and influential portion of the citizens, of French origin, in the opulent and populous city of Montreal, disavow and discountenance the disorganizing principles and revolutionary designs of men who have abused the confidence placed in them by their fellow-citizens, to lure them on to acts of the most criminal dye, rapine, murder and rebellion.

His Excellency relies with confidence upon the assurances of those who have signed the address, that they will second with all their influence his efforts to restore tranquillity to the country, and harmony between all classes of Her Majesty's subjects in the province; and he trusts that they will individually and actively follow up the laudable intentions they have thus collectively manifested, by using all the means in their power to induce the deluded peasantry to return to their homes and peaceful occupations, and by a prompt submission to the laws, and justify a continuance of the mild and parental policy of a Government under whose protection and fostering care they have for so long a period possessed the unmolested enjoyment of their religion, their language and their institutions.

The Hon. P. De Rocheblave and
P. Lacombe, Esq., Montreal.

I have, &c.
(signed) Walcott.

Enclosure 6, in
No. 1.

Enclosure 7, in No. 1.

JOSEPH SIGNAÏ,

Par la miséricorde de Dieu et la grace du St. Siège Apostolique, Evêque de Québec,
&c. &c. &c.

Au Clergé et aux Fidèles de notre diocèse, Salut et Bénédiction en Notre-Seigneur.

S'IL est des circonstances, nos très-chers frères, où nous sommes obligé d'élever la voix, pour rappeler aux fidèles confiés à notre sollicitude leurs devoirs à l'égard de la puissance civile, c'est surtout à la suite des malheureux événemens qui viennent de se passer dans le district de Montréal, et qui sont aujourd'hui le sujet de la plus amère affliction pour les habitans de cette Province.

Vous le savez, N. T. C. F., des hommes aveuglés par un patriotisme malentendu se sont efforcés de faire prévaloir en ce pays des doctrines propres à favoriser l'insubordination. Eh bien! ces funestes doctrines ont produit leurs fruits: un nombre considérable de nos concitoyens qui les avaient adoptées sans en prévoir les déplorables résultats, sont déjà devenus les victimes de leur trop confiante crédulité.

Quelque pénible qu'il soit à notre cœur de vous remettre devant les yeux des faits si propres à vous contrister, nous ne pouvons cependant nous en dispenser, parce qu'ils nous fournissent l'occasion de vous prémunir contre les doctrines perverses qui les ont provoquées.

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Saus

Enclosure 7, in
No. 1.

No. 1.

Earl of Gosford
to Lord Glenelg,
23 December 1837.

Enclosure 7, in
No. 1.

Sans doute, N. T. C. F., et nous éprouvons une vive consolation à le reconnaître, sans doute que ces mêmes doctrines n'ont eu qu'un bien petit nombre de partisans dans ce diocèse, et que la très-grande majorité s'est toujours montrée loyal et fidèle au gouvernement. Mais ce petit nombre fait partie du troupeau que la Divine Providence nous a chargé d'instruire ; nous en rendrons compte au souverain pasteur des âmes ; et ce serait manquer essentiellement à notre devoir que de ne pas faire ce qui dépend de nous pour le désabuser et le ramener de son égarement.

Il n'est pas nécessaire d'entrer ici dans un long détail des autorités sur lesquelles est fondée cette soumission que tout fidèle doit à la puissance établie. Les principes de notre sainte religion sont là-dessus si clairs et si précis qu'aucun catholique, qui veut demeurer tel, ne peut les révoquer en doute. Qu'il vous suffise de savoir, N. T. C. F., que l'église, conduite par l'Esprit Saint, et s'appuyant des leçons aussi bien que des exemples de Notre-Seigneur Jésus-Christ et de ses apôtres, n'a cessé d'enseigner à ses enfans *qu'il faut rendre à César ce qui est à César* (Marc, xii. 17.) ; *que tous doivent être soumis aux puissances supérieures* qui les régissent civilement (Rom. xiii.), *et cela non pas par la crainte des suites de la rébellion, mais par un devoir indispensable de conscience* (Ibid. 5.) ; *que c'est résister à Dieu même que de résister aux puissances, et s'exposer à tout le poids de la vengeance céleste. Qui autem resistunt ipsi sibi damnationem acquirunt...* (Ibid.) ; et comme le dit encore le bienheureux apôtre St. Pierre, *il faut toujours demeurer soumis à l'autorité publique*, sous quelque forme qu'elle se présente (1 Pet. ii. 13, 14) : *Subjecti igitur estote omni humanae creaturae, sive regi... sive ducibus...*, parce que c'est la règle immuable de la Providence, la volonté expresse de Dieu : *Quia sic est voluntas Dei* (Ibid. 15).

Après ces déclarations si formelles de l'écriture, auxquelles nous pourrions ajouter le témoignage de tous les Pères de l'église ; que l'on vous dise que vos pasteurs, en vous recommandant la soumission aux autorités, *s'écartent de la ligne de leur devoir, et qu'ils interviennent dans des questions politiques qui ne sont pas de leur ressort*, il n'en est pas moins vrai, aux yeux de tout bon catholique, qu'ils ne font qu'enseigner une vérité de tous les temps ; une vérité qui est une des principales bases de la morale chrétienne ; une vérité qu'ils ne peuvent taire à leurs ouailles sans se rendre prévaricateurs.

Que, par des voies légales et constitutionnelles, on cherche à remédier aux abus dont on croit avoir raison de se plaindre, c'est un droit que nous ne prétendons contester à personne ; mais que pour y parvenir l'on ait recours à l'insurrection, c'est employer un moyen, nous ne disons pas seulement inefficace, imprudent, funeste à ceux-mêmes qui en font usage, mais encore criminel aux yeux de Dieu et de notre sainte religion ; c'est, sous prétexte d'éviter un mal, se jeter dans un abyme de maux irréparables ; et l'expérience de tous les siècles démontre que nous n'avancions rien ici qui ne soit conforme à la plus exacte vérité.

En effet, si nous parcourons les pages de l'histoire, nous ne voyons presque aucune révolution qui n'ait été la cause des plus grands désastres : le sang répandu par torrens, les familles plongées dans le deuil ou réduites à la misère par la mort violente de leurs soutiens, les propriétés dévastées, détruites ou enlevées à leurs légitimes possesseurs ; ce n'est là qu'un faible tableau des malheurs enfantés par les révolutions : et nous le répétons avec larmes, ces malheurs nous venons de les voir fondre en partie sur une des plus florissantes portions de notre pays.

Ainsi, N. T. C. F., lorsque nous nous efforçons de vous convaincre de cette obligation que l'évangile nous impose à tous, d'être soumis à l'autorité, nous n'entendons pas seulement vous porter à la pratique d'un devoir prescrit par la religion, nous voulons encore vous préserver des maux dont nous venons de faire l'affligeante énumération, nous voulons assurer votre bonheur, celui de vos familles et celui de la société.

Et sur ce point vos pasteurs ne méritent-ils pas d'être écoutés ? Seraient-ils les seuls qui n'auraient pas la liberté d'ouvrir la bouche pour vous éclairer sur vos véritables intérêts ? Pourriez-vous croire qu'en vous engageant à une obéissance loyale, ils aient en vue de les compromettre ? Non, N. T. C. F., leurs efforts constans et leurs généreux sacrifices pour avancer la prospérité du pays ne permettent pas de former un soupçon si injurieux : leur conduite dans tous les temps est une preuve sans réplique de l'affection qu'ils portent à leurs concitoyens ; elle leur assure un droit incontestable à votre confiance.

Nous avons donc l'espoir que vous prêterez une oreille attentive à nos exhortations et à celles de nos dignes collaborateurs dans le saint ministère ; que vous envisagerez plus sérieusement que jamais tout ce que la guerre civile entraînerait de conséquences affreuses pour notre chère patrie ; et que, sans renoncer à vos privilèges politiques, vous vous attacherez à montrer, tant par vos actions que par vos paroles, que vous êtes remplis de cette loyauté et de cette fidélité au gouvernement de la Grande-Bretagne, que vos pères vous ont laissées pour héritage, et qu'ils ont plus d'une fois prouvées aux dépens même de leur vie.

Mais ce n'est pas assez, N. T. C. F., que nous vous invitons à vous tenir en garde contre tout ce qui pourrait troubler la paix dont vous avez joui jusqu'à ce jour, nous devons encore vous presser de lever vers le ciel des mains suppliantes, pour obtenir du Dieu des miséricordes qu'il daigne conserver cette heureuse paix au milieu de vous, et la rétablir dans cette partie de la Province où elle a été malheureusement troublée.

A CES CAUSES, le saint nom de Dieu invoqué, nous avons réglé et ordonné, réglons et ordonnons ce qui suit :

1°. Dans toutes les paroisses de notre diocèse il sera chanté une messe solennelle, le premier jour où on pourra commodément le faire après la publication du présent mandement. Cette messe sera conforme à l'office du jour ; on y ajoutera l'oraison, *Pro quâcumque necessitate*, et elle sera suivie des prières indiquées ci-après (3°).

2°. Les

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2°. Les curés chargés de la desserte de deux paroisses célébreront cette messe dans l'une et dans l'autre à leur commodité.

3°. Dans toutes les églises et chapelles de notre diocèse où la messe se célèbre en public, chaque dimanche et fête d'obligation, immédiatement après la messe paroissiale, conventuelle ou principale, le prêtre qui l'aura célébrée, ne laissera les degrés de l'autel qu'après y avoir récité, à genoux, à haute voix, le peuple répondant, ou cinq *Pater Noster* et cinq *Ave, Maria*, ou les litanies de la Ste. Vierge. Nous espérons que ceux des fidèles qui ne pourront assister au service divin ces jours-là, feront la même prière dans leurs familles.

4°. Chaque prêtre ajoutera à la messe l'oraison ci-dessus mentionnée, *Pro quâcumque necessitate*, excepté aux messes des fêtes de 1^{re} classe, aux messes solennelles des fêtes de 2^{de} classe, et à celles du dimanche des Rameaux et de la Vigile de la Pentecôte. Cette même oraison remplacera celle qui est marquée *ad libitum* dans les autres messes.

5°. Ces prières dureront jusqu'à ce qu'il soit notifié au clergé, de notre part, que le temps est venu de les discontinuer.

Sera le présent mandement publié au prône de toutes les messes paroissiales (*excepté l'article 4°*), et lû en chapitre dans les communautés religieuses, le premier jour de dimanche ou de fête d'obligation après qu'il aura été reçu.

Donné à Québec sous notre seing, le sceau de nos armes et le contre-seing de notre Secrétaire, le onze Décembre Mil-huit-cent-trente-sept.

✠ JOS. EV. DE QUEBEC.

L. + S.

Par Monseigneur,

C. F. Cazeau, Ptre. Secrétaire.

— No. 2. —

(No. 139.)

EXTRACT of a DESPATCH from the Earl of Gosford to Lord Glenelg, dated Castle of St. Lewis, 28 December 1837.

My late Despatches will have detailed what has been going on here. Since the dispersion of the insurgents in the county of Two Mountains, all has been tranquil; and, I trust, with proper precaution and vigilance, will continue so.

The following persons have been recently lodged in Montreal gaol:— A. B. Papineau, M.P.P. for Terrebonne, and J. J. Girouard, M.P.P. for Two Mountains. A reward of 500*l.* was offered for the apprehension of Girouard; he surrendered himself to Mr. Simpson, at Coteau de Lac, after suffering much from nights of exposure in the woods. The Attorney-general mentions that he has received a letter from Messrs. Franchere, and Soupras, Marchand, Mongeon, Gizon and Knights, M.P.P., dated Highgate, in Vermont, offering to surrender themselves upon his sending them a passport, and pledging their words of honour to come in direct to Montreal. The Attorney-general had, in consequence, despatched an officer to Bedford with a letter to them, in which he holds out no promise whatever, but informs them that he had sent an officer to receive and convey them, unconditionally, to the common gaol of the district, directing the officer to treat them kindly.

— No. 3. —

EXTRACT of a DESPATCH from Lieutenant-general Sir J. Colborne, G.C.B., to Major-general Lord Fitzroy Somerset, K.C.B., dated Head Quarters, Montreal, 2 January 1838.

I HAVE the honour to transmit to you the copy of a letter from the Lieutenant-governor of Upper Canada, in which he acquaints me that a party of Americans have taken possession of Navy Island, and are constructing works of defence on it, and inviting others to join them, with the intention of aiding the rebels who have been driven out of the province.

This island is British territory, and is north-east of Grand Island, about two miles from the confluence of the Chippewa and Niagara. I have ordered the remainder of the 24th regiment to proceed to Niagara, and part of Major Cameron's company of Artillery; they will arrive there, I hope, in a few days.

The excitement in Vermont and in the State of New York renders it necessary that

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Earl of Gosford
to Lord Glenelg,
23 December 1837.

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No. 1.

No. 2.

Earl of Gosford
to Lord Glenelg,
28 December 1837.

No. 3.

Sir John Colborne
to Lord Fitzroy
Somerset,
2 January 1838.

No. 3.
Sir John Colborne
to Lord Fitzroy
Somerset,
2 January 1838.

that the force under my command should be constantly prepared to repel any invasion on the part of the population of the United States. I hope, however, that the failure of the rebels will have the effect of repressing the violence of the many supporters in the United States of the revolt and disturbances in Canada, and of preventing the party on Navy Island from receiving further reinforcements.

There has been no appearance of resistance to my orders in this district since my return from St. Benoit, and the measures which I have authorized for disarming the *habitans* generally have been acted on without difficulty.

U P P E R C A N A D A.

—No. 4.—

(No. 133.)

COPY of a DESPATCH from Lieutenant-governor Sir *F. B. Head*, Bart.,
to Lord *Glenelg*.

No. 4.
Sir F. B. Head to
Lord Glenelg,
28 December 1837.

My Lord,

Toronto, 28 December 1837.

I HAVE the honour to transmit to your Lordship a copy of the speech with which I have this day opened the Legislature of this province, together with copies of sundry documents,* which will explain to your Lordship, firstly, that the rebellion which has broken out here has been effectually put down, with the loss on the side of the Constitutionlists of only one man killed; and, secondly, that an unprovoked attack has been made upon our territory by American citizens, who have succeeded in taking possession of Navy Island (which is in the Niagara river, about two miles above the Cataracts), have intrenched and garrisoned it, have planted 13 pieces of cannon upon it, and, in fact, have thus formed a camp upon our territory, to which people by hand-bills, termed "Proclamations of the Provincial Government," are publicly invited, under the promise that "300 acres of the most valuable lands in Canada, and 100 dollars in silver, will be given to each volunteer who may join the Patriot forces on Navy Island."

I have communicated these facts to his Excellency the Earl of Gosford and to Sir John Colborne, and have addressed communications to the Governor of the State of New York and to Her Majesty's Minister at Washington, copies of which I have the honour to enclose. I have stationed a militia force of about 2,000 men on the Niagara frontier, and have made all the arrangements in my power for calling out the militia of the province, in case their services should be required.

Having thus done all in my power to withstand a foreign invasion, which was never contemplated in my despatch to your Lordship, dated 18th November, I feel it my duty to recommend, contrary to the suggestions contained in that despatch, that Her Majesty's Government should afford to the Commander of the Forces every possible assistance, promptly and effectually to put down this attack by American citizens, unauthorized by their government, and in open violation of their laws.

The Lord Glenelg, &c. &c. &c.

I have, &c.
(signed) *F. B. Head*.

Enclosure

* Sir F. B. Head's Speech to the Legislature, and the Proclamation signed "W. L. Mackenzie," are the only documents enclosed in this Despatch.

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Enclosure 1, in No. 4.

Toronto, Thursday, 28 December 1837.

No. 4.
 Sir F. B. Head to
 Lord Glenelg,
 28 December 1837.

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This day, at 11 o'clock, his Excellency the Lieutenant-governor proceeded in state from the Government House to the Chamber of the Honourable the Legislative Council, where, being arrived and seated on the Throne, the Gentleman Usher of the Black Rod was sent with a message from his Excellency to the House of Assembly, commanding their attendance. The Members present being come up accordingly, his Excellency was pleased to address the two Houses with the following

SPEECH.

Honourable Gentlemen of the Legislative Council, and Gentlemen of the House of Assembly,

I HAVE deemed it necessary to convene the Legislature of Upper Canada a few days earlier than has been customary, for the purpose of communicating with you on the present state of the province; but before I draw your attention to this important subject, I cannot refrain from condoling with you on the loss which, since our last meeting, we have sustained in the demise of his late Gracious Majesty King William the Fourth, of blessed memory, whose parental attachment to the Canadas will, I feel confident, long be remembered by its inhabitants with filial gratitude and respect.

The Throne of the British empire is now adorned by Her Majesty Queen Victoria, whose youth, education, virtues and sex, endearing her to her subjects, claim their loyal protection and support.

Notwithstanding the prosperity and happiness of this province, it is with pain I inform you, that I have suddenly been called upon to suppress a rebellion, which must have appeared to the province at large of so extraordinary a character, that it is proper I should advert to its origin and progress.

With every disinclination to revive political differences of opinion, which must exist in every free country, and which no liberal man would ever be desirous to suppress, I will merely remind you, that shortly after I arrived in this province, with instructions from his late Majesty to correct whatever grievances might exist, it unavoidably became necessary that I should constitutionally appeal to the sense of the people; I did so, and they unequivocally supported me.

A few individuals, disappointed at the result, did not scruple to declare, that the people of Upper Canada had been mistaken in their verdict, which it was asserted had been obtained by improper means.

This second subject of discussion I deemed it advisable to bring plainly before the public; it was accordingly submitted to the consideration of his late Majesty and the Imperial Government, the House of Commons and the House of Assembly of Upper Canada, and by all these tribunals the question was decided against those who, with groundless slander, had assailed their Government, and who, being rapidly deserted by their original supporters, were now reduced to a very few individuals.

Finding that against cool argument they could advance nothing, they desperately determined to try an appeal to physical strength, the avowed object of which was to force Her Majesty's subjects from their allegiance, and to subvert the British Constitution under the pretext of reform.

As soon as this conspiracy became known to me, I determined that for the public good I would allow it to work its own cure, but as I felt convinced that that cure would never be admitted to be perfect if Her Majesty's troops were required to take any part in the contest, I cheerfully approved of their leaving the province, in order that the people of Upper Canada, in a state of uncontrolled independence, might be allowed another opportunity of unequivocally demonstrating whether they would support me or desert me in the determination I had evinced, "to maintain for them the British Constitution inviolate."

Besides parting with the troops, I further resolved to place in the hands of the civil portion of the community all the muskets (about 4,000) which the Government had in store, and I accordingly delivered them over to the custody of the mayor, aldermen and commonalty of the city of Toronto.

Without either soldiers or weapons to enforce my cause, I allowed the leader of the intended insurrection a full opportunity to make his intended experiment—I freely allowed him to write what he chose—say what he chose—and do what he chose; I allowed him to assemble his deluded adherents for the purpose of drill; I even allowed them, unopposed, to assemble with loaded fire-arms, and in spite of the remonstrances which, from almost every district in the province, I received from the peaceable portion of the community, I allowed him to make deliberate preparations for revolt; for I freely confess that I did under-rate the degree of audacity and cruelty which these armed insulters of the law were prepared, as events have proved, to exhibit. It did not seem to me credible that in the bosom of this peaceful country, where every one was enjoying the protection of equal laws, and reaping the fruit of his labours almost undiminished by taxes, any number of persons could be found willing to assail the lives, plunder the property of their unoffending fellow-subjects, and to attempt the destruction of a Government from which they had received nothing but good.

The ultimate object of the conspiracy was veiled under a mysterious secrecy which I had no desire to penetrate; and relying implicitly on the people, so little did I inquire

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into it or impede it, that I was actually in bed and asleep, when I was awakened by a messenger, who abruptly informed me that a numerous body of armed rebels had been congregated by their leader; that the murder of a veteran officer of distinction, a settler in the province, had already been committed, and that the assailants were within an hour's march of Toronto.

The long-looked for crisis had now evidently arrived; and accordingly, defenceless and unarmed, I called upon the militia of Upper Canada to defend their Government, and then confidently awaited the result.

With an enthusiasm which it is impossible for me to describe, they instantly obeyed the summons.

Upwards of 10,000 men immediately marched towards the capital, and in the depth of a Canadian winter, with no clothes but those they stood in, without food, and, generally speaking, without arms, reformers as well as constitutionalists, nobly rushed forward to defend the revered constitution of their ancestors, although the rebel who had dared to attack it was offering to his adherents 300 acres of our land, and the plunder of our banks.

As soon as the people had organized themselves, I saw it would be necessary to make an attack; however, feeling the greatest possible reluctance at the prospect of a sanguinary conflict with the deluded subjects of Her Majesty who were opposed to me, I despatched to them two of their own party, to tell them that before any collision should take place, I parentally called upon them, as their Governor, to avoid the effusion of human blood.

The answer I received from the rebel leader was, that he would only consent that his demands should be settled by a National Convention, and that he would wait till two o'clock for my answer.

Having now, to the best of my ability, performed the religious as well as moral duty which I owed to the province, I issued a Proclamation, calling upon those who had been seduced to join in the unnatural rebellion, to return to their duty, in which case I informed them that they would find the Government of their Queen as indulgent as it was just; and having given them this last opportunity to disperse, I allowed the brave militia of Upper Canada to advance, and the result of this trial by battle was the public verdict which I had always anticipated.

The rebels, dispersed in all directions, surrendered every where at discretion; those of their leaders who were not taken prisoners, absconded to the United States; and before sunset the whole conspiracy exploded.

In the London district, a similar proof of public opinion was practically evinced. To the militia, nobly commanded by Colonel MacNab, Speaker of the House of Assembly, upwards of 300 misguided men laid down their arms—craving pardon for their guilt—asking permission to assist the loyal militia in capturing the fugitive leaders, who they declared had not only deceived, but deserted them; and the affair being thus concluded, there remained not a rebel throughout the whole province in arms!—indeed so complete was their defeat, that general orders were immediately issued by me, announcing that there was “no further occasion for the resort of militia to Toronto;” and that the militia of the Bathurst, Johnstown Ottawa and Eastern districts might march to Lower Canada, in aid of the Queen's forces.

In all the civil contests which history has been compelled to record, I conceive that there has never been a question more fairly submitted to the judgment of a free people than that which in Upper Canada has just ended in the total defeat, moral as well as physical, of the opponents of the British constitution.

The triumph has been that of reason over force—of good laws over anarchy—of bravery, fidelity and generosity on the part of the militia, over murder, arson and robbery by the rebels.

Tranquillity had returned to the land—angry passions had subsided—the political atmosphere of the province was becoming healthy after the storm which had passed over it, when, I regret to inform you, that the peace of the province was suddenly invaded from a quarter from which Her Majesty's subjects in this province had certainly never calculated upon receiving an attack.

I need not on this continent declare that the Americans are a people with whom the British empire for many years has assiduously cultivated the most friendly connexion. Our Government has looked upon them as its allies—our people have intimately connected themselves with their commerce—our capital has irrigated their land—unlimited credit has been fraternally extended to them, with that unsuspecting confidence which in the civilized world is reposed in men of character and truth—we have rejoiced in their success, and we have done all that a generous nation could do, to save them from the expense and misery of war. It is true, we were once opponents, but the hatchet of war has long been buried, and I must own I had hoped that the spirits of our mutual ancestors were sacredly guarding its tomb!!

Such are the feelings of the British people towards the Americans, and yet I regret to inform you, that in a moment of profound peace and of professed friendship, a considerable number of Americans, regardless of the crimes committed, as well as of the degraded character of the man, have sympathised with the principal rebel, who has lately absconded as a criminal from our land. I regret to inform you, that American citizens of influence and great wealth have come forward to coerce the brave and independent people of Upper Canada to change laws and institutions which they have lately, by open and almost universal suffrage, publicly declared that they prefer.

The American press has, to my astonishment, in many instances advocated this flagrant act of injustice; and such has been the popular excitement, that not only has a body of
Americans,

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Americans, headed by American leaders, within a few days, taken possession of Navy Island (which belongs to the British empire), but a Proclamation has just been issued from this spot, declaring that the standard of liberty is planted in Canada; that a Provisional Government is established there; that a reward of 500*l.* is offered for my apprehension; that 300 acres of Her Majesty's lands will be freely bestowed by this Provincial Government upon any volunteer who shall personally assist in invading our freedom; and it is added, that "ten millions of these lands, fair and fertile, will speedily be at their disposal, with the other vast resources of a country more extensive and rich in natural treasures than the United Kingdom, or old France."

I am informed that Americans from various quarters are hastening from the interior to join this standard of avowed plunder and revolt; that cannon and arms are publicly proceeding there; and under these circumstances, it becomes my painful duty to inform you, that without having offered to the United States the smallest provocation; without having entertained the slightest previous doubt of the sincerity of American alliance, the inhabitants of this province may in a few days be called upon by me to defend their lives, their properties and their liberties, from an attack by American citizens, which, with no desire to offend, I must pronounce to be unparalleled in the history of the world.

Upon the courage and resolution of the Canadian people, I place the firmest reliance; and if this unwarrantable invasion should proceed, I know I shall not in vain require every British subject coolly to perform that duty to his country which his own pride, spirit and feelings, will spontaneously suggest.

The interference of foreigners in the domestic policy of a free country is an aggression which no nation of character can ever submit to endure (especially where a band of people, violating their own laws, our laws, as well as the sacred obligations of national amity, intrude themselves upon peaceable inhabitants, lawlessly to advocate by force of arms the practical blessings and advantages of republican institutions, which, by their own showing, have at least ended with them in anarchy and plunder); and as every country is a natural fortress to its inhabitants; as every village is a strong military position, and as every bridge and ravine can be advantageously defended, I must own that, deeply as I should lament a conflict of this nature, I entertain no feeling of anxiety for the result. The peaceful inhabitants of Upper Canada will not be left to defend their country alone, for they belong to an Empire which does not suffer its subjects to be injured with impunity; and if a national war, which it rests with the American Government to avert, should be the unhappy consequence of an intolerant invasion of our freedom, the civilized world, while it sympathises with our just cause, will view with feelings of astonishment and abhorrence this attempt of a body of American citizens treacherously to attack and plunder, in a moment of profound peace, their oldest, their most intimate, and their most natural ally.

A few days will, I trust, demonstrate that the American Government wants neither the will nor the power to control its people. If otherwise, the defensive course which the inhabitants of Upper Canada must be called upon to adopt is plain and clear.

In the meanwhile, however, it is but justice to the American nation to allow them, notwithstanding our territory has been already invaded by their citizens, the opportunity of nobly vindicating, as I firmly believe they will, the integrity of their Government and institutions; and I have to inform you that, with this peaceful object in view, I have communicated with the Governor of the State of New York, with whom I have hitherto been on the most friendly terms, as also with Her Majesty's Minister at Washington; and awaiting their replies, I have reinforced the gallant militia of the frontier by a strong corps of observation, and have made arrangements for a general call upon the militia, in case their services should unfortunately be required.

Gentlemen of the House of Assembly,

I shall direct the public accounts, and the estimate for the ensuing year, to be laid before you.

The ordinary supplies necessary for the public service will, I have no doubt, be granted; and it cannot but be expected that the late rash attempt to produce confusion in the Province will give rise to an increase in the public expenditure, and create some new claims upon the justice and bounty of the Legislature.

You will, I doubt not, consider the propriety of indemnifying any of the inhabitants of this Province who have sustained serious losses from the outrageous acts of the insurgents, and of providing pensions for the very few subjects of Her Majesty, who may have been disabled by wounds received in the defence of their laws.

Honourable Gentlemen, and Gentlemen,

If you were assembled under ordinary circumstances, there would be several matters relating to the improvement of the Province, to the general welfare of its inhabitants, and to the encouragement of immigration, which I should desire to submit to your consideration; but you will probably agree with me in thinking that it may be prudent to admit of your speedy return to your several districts, by forbearing as much as possible to enter at this time upon the discussion of business which can be properly postponed.

Nothing perhaps presses so earnestly for immediate consideration as the adoption of such measures as may most effectually secure the inhabitants of this Province against the recurrence of the danger to which they have lately been exposed.

Every one must feel that the people who at this inclement season forsook their families, and rushed in thousands to the defence of their independence and their laws, deserve that every exertion should be made by the Legislature for their future protection; and having

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seen the misery which the late violent insurrection against the laws has inflicted upon many hundreds of people and their families, we must feel that humanity requires every reasonable precaution to be taken for enabling the Government in future to suppress such guilty proceedings in their earliest stages.

You are intimately acquainted with the character, the wishes and the interests of your fellow-subjects, for whom it is your privilege to legislate; you are well able to judge of the causes of those evils which we deplore, and I can leave it with confidence to your discretion to devise whatever measures may appear best suited for maintaining the public tranquillity, and for protecting the lives and properties of Her Majesty's subjects.

You will not fail also to devote your most serious consideration to the means of preventing or repelling such hostile aggressions upon our territory, by the people of a friendly power, as our frontier at this moment exhibits; for we owe it to our honour, and to the British name, to be vigilant and firm at such a crisis.

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PROCLAMATION.

Enclosure 2, in
No. 4.

THREE hundred acres of the most valuable lands in Canada will be given to each volunteer who may join the Patriot Forces now encamped on Navy Island, Upper Canada. Also, 100 dollars in silver, payable on or before the 1st of May next.

By order of the Committee of the Provincial Government,

(signed) W. L. Mackenzie,
Chairman *pro tem*.

Navy Island, Tuesday, 19 December 1837.

LOWER CANADA
AND
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FURTHER
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AFFAIRS OF LOWER CANADA
AND
UPPER CANADA.

(In continuation of Papers presented to Parliament on the
23d December 1837, No. 72, and the 16th & 29th
January 1838, Nos. 80 & 99.)

[Presented by Her Majesty's Command.]

Ordered, by The House of Commons, to be Printed,
2 February 1838.

100.

LOWER CANADA
AND
UPPER CANADA.

FURTHER
COPIES OR EXTRACTS

OF

CORRESPONDENCE RELATIVE TO THE AFFAIRS

OF

LOWER CANADA AND UPPER CANADA.

LOWER CANADA.

UPPER CANADA.

NOVA SCOTIA.

NEW BRUNSWICK.

PRINCE EDWARD ISLAND.

[PRESENTED BY HER MAJESTY'S COMMAND.]

*(In continuation of Papers presented to Parliament on the 23d December 1837, No. 72, and the
16th & 29th January, and 2d February 1838, Nos. 80, 99 & 100.)*

*Ordered, by The House of Commons, to be Printed,
4 May 1838.*

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FURTHER COPIES or EXTRACTS of CORRESPONDENCE relative to the
Affairs of LOWER and UPPER CANADA.

LOWER CANADA.

— No. 1. —

LOWER
CANADA.

No. 1.

Sir J. Colborne to
Lord F. Somerset,
9 January 1838.

EXTRACT of a DESPATCH from Lieutenant-General Sir *J. Colborne*, G. C. B.
to Major-general Lord *Fitzroy Somerset*, K. C. B.; dated Head Quarters,
Montreal, 9th January 1838.

I HAVE the honour to acquaint you, for the information of the General Com-
manding-in-Chief, that the American force from the United States, mentioned
in my despatch of the 2d instant, still retained possession of Navy Island on the
3d instant, the date of my last accounts from the Niagara frontier. The reports
of the numbers on the island vary; it is generally supposed that they have about
700 men well armed, and nine field-pieces.

Volunteers from the Upper Canada militia are flocking to the Niagara frontier;
not less than 5,000 men are assembled in arms under Colonel M'Nab. Colonel
Forster, I believe, arrived at Niagara on the 2d January, and assumed the
command.

The 24th regiment, the reinforcement of the Royal Artillery, and the 10-inch
mortars, which I ordered from Kingston, would probably have reached Chippawa
yesterday; the five companies of the 32d regiment are on their route to Niagara,
and may arrive there on the 12th instant.

Information has been received that the Americans are making preparations to
invade the western district of Upper Canada, from Detroit; but the reports of
the intentions of the Americans are so vague in respect to the parties making
arrangements to invade the province, that I do not attach much credit to the
information received from that frontier.

I transmit to you the statements forwarded to me by Sir Francis Head, rela-
tive to the capture of the steam-boat *Caroline*, in an American port. There
appears no doubt that this vessel was employed in the service of the pirates, who
have invaded our territory from the United States.

It would be a hazardous enterprise to attack the Americans on Navy Island,
with reference to the rapid current and the difficulty of disembarking at night
on any part of the island near our own shore. I have desired Colonel Forster not
to incur any great risk in making an attack, for I trust that the pirates may be
either dislodged by a constant fire from our batteries, or, that on finding the
force opposed to them increasing, they will disperse themselves, particularly as
the American Government must now see the necessity of preventing the convey-
ance of supplies, and the passage of recruits, through their territory to Navy
Island.

Enclosure 1, in No. 1.

Sir,

Head Quarters, Chippewa, 30 December 1837.

I HAVE the honour to enclose, for the information of his Excellency the Lieutenant-
governor, several papers connected with the capture of the steam-boat *Caroline*, belonging
to the pirates who have joined the rebels on Navy Island.

Encl. 1, in No. 1.

Colonel the Hon. Jonas Jones,
A. D. C.

(signed)

I have, &c.

Allan N. M'Nab, Col. Comd.

*Vide Papers rela-
tive to the Affairs
of Canada, present-
ed to Parliament,
2 Feb. 1838, p. 11.*

LOWER
CANADA.

No. 1.

Sir J. Colborne to
Lord F. Somerset,
9 January 1838.

Encl. 2 in No. 1.

Enclosure 2, in No. 1.

Sir, Head Quarters, Chippewa, 30 Dec. 1837; Saturday morning, Three o'clock.

I HAVE the honour to report, for the information of his Excellency the Lieutenant-governor, that having received positive information that the pirates and rebels at Navy Island had purchased a steam-boat, called the *Caroline*, to facilitate their intended invasion of this country, and being confirmed in my information yesterday by the boat (which sailed under British colours) appearing at the island, I determined upon cutting her out; and having sent Captain Drew of the Royal Navy, he in the most gallant manner, with a crew of volunteers (whose names I shall hereafter mention) performed this dangerous service, which was handsomely effected.

In consequence of the heavy current it was found to be impossible to get the vessel over to this place, and it was therefore necessary to set her on fire. Her colours are in my possession.

Colonel the Hon. Jonas Jones,
A. D. C.

I have, &c.
(signed) *Allan N. M'Nab*, Col. Coms.

We have two or three wounded, and the pirates about the same number killed.

A. N. M'Nab.

Enclosure 3, in No. 1.

Encl. 3, in No. 1.

Sir,

Chippewa, 29 December 1837, 8 A. M.

I HAVE the honour to inform you that I have just returned from the neighbourhood of Navy Island, to which point I proceeded at daybreak with my spyglass to inspect the position of the rebel forces.

Soon after my arrival there I perceived our eight-oared gig just rounding the northern extremity of Navy Island. She had been all round the island, and was fired at from all parts of it with round shot, grape and cannister, and musketry.

On her coming abreast of Fort Schlosser, I distinctly saw two discharges of heavy ordnance from a point on the main shore on the American side, not far from that fort.

As soon as our boat had passed the firing ceased.

I have deemed it no more than my duty to call your attention to this fact, to the truth of which I am prepared to make affidavit whenever called upon.

The Hon. Colonel A. N. M'Nab,
&c. &c. &c.

I have, &c.
(signed) *J. Elmsley*, Lieutenant Royal Navy.

Enclosure 4, in No. 1.

To the Hon. Colonel M'Nab, Commander-in-chief of the Forces of Upper Canada.

Sir,

Chippewa, 29 December 1837.

Encl. 4, in No. 1.

I HAVE the honour to inform you, that this morning at eight o'clock about 20 men appeared on Grand Island (two miles below Black Creek) constructing a bridge across a ravine, and when they saw a party of men on the Canada shore watching their movements, they fired a volley of musketry towards them. After having completed their work they left two men on the bridge, and retired towards the lower part of the island.

I have, &c.
(signed) *William Lockwood*,
First Lieutenant of the St. Catherine Troop of Cavalry.

Enclosure 5, in No. 1.

Encl. 5 in No. 1.

Upper Canada, } Sylvanus Fernes Rigley, late of the township of Dumfries,
District of Niagara, to wit. } in the district of Gore, labourer, deposeth and saith, that he is a British subject; that he enlisted with Charles Duncombe, and joined him in the London district; that after Duncombe's men were dispersed he went with Alfred Luce, another of Duncombe's men, down to Chippewa, and crossed the Niagara river to join the patriots; that he was on board the steam-boat *Caroline* with the said Alfred Luce, on their way to Navy Island, at the time she was captured; that he believes said Luce was killed in the engagement: that he understood the boat to be the property of the patriots; that on the same day she was captured she had taken a six-pounder to the island from Fort Schlosser on the American shore, with provisions and other necessaries for M'Kenzie's army; that the flag they had on board was a British flag; that deponent saw the cannon put on board; that the cannon, as he understood, was the property of the United States, and that it was in charge

AFFAIRS OF LOWER CANADA, &c.

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LOWER
CANADA.

No. 1.

Sir J. Colborne to
Lord F. Somerset,
9 January 1838.

Encl. 5, in No. 1.

charge of one Parker, who this deponent understood was a brother of the Parker now in gaol in Upper Canada for high treason, and who formerly kept a shop in Hamilton. Said Parker had several recruits for M^cKenzie with him; that when the boats approached the steam-boat, a rifle was fired at them from the steam-boat; that he then ran forward to the front of the steam-boat, where he was made prisoner.

(signed) *Sylvanus Fearnés Wrigley.*

The only firelocks deponent saw on board were muskets and rifles.

(signed) *Sylvanus Fearnés Wrigley.*

Sworn before me at Chippewa, the 30th December 1837.

(signed) *W. Hamilton Merritt, J. P.*

Enclosure 6, in No. 1.

Upper Canada. Niagara } Be it remembered, that before me, Bartholomew Tench, esq.,
District, to wit. } one of Her Majesty's justices assigned to keep the peace in and
for the said district, personally appeared Michael D. Gander, of the township of Willoughby,
in the said district, yeoman, and now an ensign in Captain E. Usher's Volunteer Company,
who deposeth and saith, that this morning he was in company with his brother and another
person, named Henry Marshall, on the main road leading to Fort Erie; he saw about 10
men on Grand Island, about four miles above Navy Island; he looked through a small
glass, and saw from 12 to 20 men carrying trees towards a ravine for the purpose of making
a bridge, without which it would be impossible to transport guns, which the deponent thinks
was their object. About 80 rods higher up on the island there was another party of five
men, who advanced towards the water's edge and fired five or six shots at a party of about
eight or ten persons (among whom were five or six females) who had assembled on the brink of
the river from motives of curiosity. The men were all armed, and, after firing, returned to the
ravine; after which they dispersed. Deponent further declares that British subjects on their
own soil were wantonly and unprovokedly fired on from Grand Island by a party whom he
believes to be Americans.

Encl. 6, in No. 1.

(signed) *Michael D. Gander.*

Taken and acknowledged before me, after being first duly read at Chippewa, in said district, this 29th day of December 1837.

(signed) *Bartholomew Tench, J. P.*

Enclosure 7, in No. 1.

Upper Canada. District } GEORGE NOLOP, of the village of Brantford, in the district of
of Niagara, to wit. } Gore, yeoman, deposeth and saith, that he is a British subject;
that on the 28th day of the present month he went out on business to the United States; that
on arriving at Fort Schlosser, in the said United States, he was taken prisoner by an armed
body of men, who said they were citizens of the United States; that he was put under guard,
and detained for about 24 hours; that he, this deponent, repeatedly applied to be liberated,
but was told by the guard that they would not let any damned Tory go; that whilst he was
a prisoner at Fort Schlosser he saw a six-pounder, belonging, as his guard told him, to the
United States, taken from the fort and put on board the steamer Caroline, and taken to
Navy Island; that whilst he was a prisoner he heard the men belonging to the boat state that
the boat belonged to the patriots, and that she was to be employed taking stores, guns, and
other necessities to Navy Island for the use of the patriot army; that while deponent was
a prisoner, some armed men came up to the tavern where he was, and said, that the Tories
had got the boat; that the men turned out and fired upon the persons they called Tories;
that deponent heard from his guard that there were about 30 armed men on board the boat;
that during the confusion he made his escape; that when the crew of the boat went down to
man her, they marched in regular order; that in the guard-room in the tavern where he was
confined there was a cask filled with six-pound shot, and two casks of grape and cannister,
and the men belonging to the steam-boat said that said shot had been taken out of the
arsenal at Buffalo, and was to be sent to the patriots; that one of the crew told this depo-
nent, after the steam-boat had been taken, that he was sentry on deck when the attack was
made, and demanded the countersign several times from the attacking party, but they did
not give it.

Encl. 7, in No. 1.

(signed) *George NoloP.*

Sworn before me at Chippewa, this 30th day of December 1837.

(signed) *George Prykat, J. P.*

LOWER
CANADA.

Enclosure 8, in No. 1.

No. 1.
Sir J. Colborne to
Lord F. Somerset,
9 January 1838.

Encl. 8, in No. 1.

Upper Canada. District } LUKE WALKER, of the city of Buffalo, in the state of New
of Niagara, to wit. } York, in the United States of America, labourer, maketh oath
and saith, that he was on board the steam-boat Caroline last night when she was captured;
that there were about 30 armed men on board; that the said boat, as he understood, was
the property of the patriots in Navy Island; she had been employed during the day in taking
prisoners and stores to the island; that deponent was in the cabin lying down, when he
heard the watch on deck cry out, "Hurrah, boys, here comes the enemy!" that he heard
the captain say to the men, "Sleep well to-night, for we shall have hard work to-morrow;
there are many gentlemen coming from Rochester, and we shall have to take them over."
his
Luke x Walker.
mark.

Sworn before me at Chippewa, first having been fully read and explained to him, this 30th
December 1837.

W. Hamilton Merritt, J. P.

— No. 2. —

No. 2.
Earl of Gosford to
Lord Glenelg,
8 February 1838.

(No. 20.)

COPY of a DESPATCH from the Earl of Gosford to Lord Glenelg.

My Lord, Castle of St. Lewis, Quebec, 8th February 1838.

THE subscribers to many of the addresses that have been lately presented to
me having expressed therein a desire that their Sovereign, our gracious Queen,
should be made acquainted with the loyal sentiments which in consequence of
recent occurrences they had felt it proper to come forward to declare, I hasten
to redeem the promise that I made in return to further their wishes in this
matter.

Vide Papers rela-
tive to the Affairs
of Canada, present-
ed to Parliament,
2 Feb. 1838, p. 3.

As these addresses are in substance the same, and in some cases almost
identical with those that accompanied my despatch of the 23 December, No. 136,
it may be sufficient without transmitting the addresses themselves, which
are numerous, to state the place from which each proceeded, with the number
of the signatures attached to it; and to observe that the general tenor of all is
to declare on the part of the memorialists their fidelity to Her Majesty, their
attachment to the connexion existing between this Province and Great Britain,
their desire to preserve the rights, privileges, institutions, and laws which they
have enjoyed under the British Government, their disapprobation of the
criminal proceedings of a portion of their deluded countrymen, and their
determination to use their utmost efforts for the restoration of peace and good
order, and the re-establishment of harmony and concord among all classes of
Her Majesty's Canadian subjects.

I have, &c.
(signed) Gosford.

Enclosure in No. 2.

Encl. in No. 2.

LIST of Loyal Addresses alluded to in the Earl of Gosford's Despatch,
dated 8 February 1838.

DATE.	PARISH.	COUNTY.	Number of Signatures.
1837 :			
4 December	Quebec - - - -	Quebec - - - -	1,900
9 —	St. Philippe - - - -	La Prairie - - - -	135
10 —	Yamaska - - - -	Yamaska - - - -	208
12 —	L'Assomption - - - -	L'Assomption - - - -	984
18 —	St. Ambroise - - - -	Quebec - - - -	132
19 —	Becancour - - - -	Nicolet - - - -	—
22 —	Ste. Rose - - - -	Terrebonne - - - -	283
23 —	Rivière des Prairies - - - -	Montreal - - - -	143
26 —	St. Linn - - - -	Lachenaie - - - -	65
26 —	St. Charles - - - -	Bellechasse - - - -	556

AFFAIRS OF LOWER CANADA, &c.

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LOWER CANADA.

No. 2.
Earl of Gosford to
Lord Glenelg,
8 February 1838.
Encl. in No. 2.

DATE.	PARISH.	COUNTY.	Number of Signatures.
1837 :			
26 December	St. George Kacona - -	Kamouraska - - -	83
26 —	Montmorenci - - -	Montmorenci - - -	600
31 —	St. Thomas and L'Islet -	L'Islet - - -	106
—	St. Michel and Beaumont -	Bellechasse - - -	615
—	St. Edouard - - -	Acadie - - -	224
—	Godmanchester - - -	Beauharnois - - -	—
1838 :			
2 January	St. Roch - - -	Lachenaie - - -	75
15 —	St. Charles - - -	Richelieu - - -	225
—	Longuevil - - -	Chambly - - -	273
—	Ste. Rosalie - - -	St. Hyacinthe - - -	193
14 —	St. Hyacinthe - - -	St. Hyacinthe - - -	387
—	La Presentation - - -	St. Hyacinthe - - -	287
1837 :			
24 December	- - - - -	Saguenay - - -	711
—	Rigaud - - - -	Vaudreuil - - -	163

— No. 3. —

COPY of a DESPATCH from Lieutenant-General Sir J. Colborne, G.C. B.,
to Lord Glenelg.

No. 3.
Sir J. Colborne to
Lord Glenelg,
10 February 1838.

My Lord, Head Quarters, Montreal, 10 February 1838.
I HAVE the honour to acquaint you, that Lord Gosford informs me, that he intends leaving Quebec on the 13th instant, on which day arrangements will be made for my assuming the administration of the government.
I have received a report from the officer commanding at Amherstburgh, stating that the Americans who landed on the island of Bois Blanc, and retired to Gibraltar Point, on the United States' territory, have been dispersed by the American authorities, with the assistance of General Scott.
The alarm which prevailed in the London and western districts of Upper Canada has subsided ; and on the Niagara frontier there is no excitement.
The Lower Canadians still continue to collect on this frontier near Champlain and Platzburgh ; and by spreading reports of an intended invasion of the province by the roads passing through La Colle and Hemmingford, keep up an excitement in the counties of Acadie, and La Prairie, and Chambly.
Several communications have been made to me relative to the arms and ammunition, which it is said have been conveyed to the frontier by the Americans. I have therefore considered it necessary to call the attention of the Governor of the state of New York, to these preparations for invasion ; and I beg leave to transmit to your Lordship a copy of my letter to him upon this subject, and the reply to it.

1 February.
4 February.

I have, &c.
(signed) J. Colborne.

Enclosure 1, in No. 3.

Sir,
WITH reference to my private letter of yesterday's date, I beg to acquaint you that I have received further information respecting the proceedings of certain citizens of the United States and the Lower Canadians who quitted this province last week, and are assembling on the frontier at Platzburgh, Champlain, and the villages in that neighbourhood ; and that it appears from several reports that a Dr. Cote, who was actually employed some months since in causing disturbances in Acadie, and a person of the name of Gaynon, who in November last crossed the frontier from Swanton, with Bouchette and others, are now at Platzburgh, supplying the Lower Canadians with arms and ammunition, and making preparations, with the brigands engaged by them, to cross the frontier by La Colle and Hemmingford.
It becomes my duty to apprise you of these proceedings, for should these hostile preparations be permitted to continue without the interposition of the authorities of the United States, you will, I am confident, entertain no doubt that it must be considered as a flagrant violation

Montreal, 1 February 1838.
Encl. 1, in No 3.

LOWER
CANADA.

No. 3.

Sir J. Colborne to
Lord Glenelg,
10 February 1838.

Encl. 1, in No. 3.

tion of that neutrality which the United States Government is so anxious to preserve. I therefore request that the information, to which I have adverted, may be communicated as soon as possible to the authorities empowered to protect the frontier, and that they may be called on to disperse such parties as may be found at Platzburgh and at Champlain, arming for the invasion of this province.

Mr. Coffin, of Montreal, the bearer of this letter, has been requested by me to communicate the details of the proceedings of the Lower Canadians at Platzburgh, collecting the habitants of Acadie and others, with a view of again disturbing the tranquillity of the province.

His Excellency Governor Marcy,
&c. &c. &c.

I have, &c.
(signed) J. Colborne,
Lieut.-General Commanding.

Enclosure 2, in No. 3.

Sir,

Albany, 4 February 1838.

Encl. 2, in No. 3.

I HAVE to acknowledge your two communications, one dated the 31st of January, and the other 1st of February, the latter by Mr. Coffin of Montreal. The state government has not the slightest authority to act in the case you have stated.

It can only act to repel invasion, and take precautionary measures to prevent apprehended invasions, if the danger thereof is imminent.

Its power in such cases is to be exerted only till the general government has time to interfere, the latter being solely charged with the management and maintenance of our foreign relations.

On the receipt of your first letter, I however wrote to General Wool, of the United States army, who is now in command on the northern frontier, on the subject to which your communication relates. I have again written him to-day, apprising him of the receipt and object of your last letter. I have also written to the United States collector of the Champlain district and to the Secretary at war, in relation to the same subject.

Sir John Colborne,
Lieutenant-General, &c.

I have, &c.
(signed) W. L. Marcy.

— No. 4. —

No. 4.

Sir J. Colborne to
Lord Glenelg,
17 February 1838.

COPY of a DESPATCH from Lieutenant-General Sir J. Colborne, G. C. B., to
Lord Glenelg.

My Lord,

Montreal, 17 February 1838.

I HAVE to acquaint your Lordship, that Lord Gosford has been detained at Quebec in consequence of a severe contusion from a fall. I transmit to you two notes which I have received from him. He will not be able to commence his journey for a few days; and it appears from the opinion of the law officers of the Crown, that I cannot administer the government under the commission of Lord Gosford, while he remains in the province.

Your Lordship will perceive from the accompanying copies of reports from officers in the Upper Province, that the brigands assembled by Sutherland in Michigan, have not been dispersed.

General Wool, the officer who is employed by the United States Government on this frontier to prevent any movement on the part of the rebels and their supporters on this frontier, is at present at Platzburgh; and he assures me that no arms shall be removed from the places where they may have been deposited towards the Canadian frontier; and that he has taken measures to disperse the persons who may be making hostile preparations against Lower Canada.

I have no doubt that Generals Scott and Wool will continue to act with energy, and frustrate the projects of the rebels of both provinces, who have been for some weeks circulating reports of their intention to return with the assistance of their friends in the United States.

I have, &c.
(signed) J. Colborne.

Enclosure 1, in No. 4.

Sir,

London, Upper Canada, 6 February 1838.

Encl. 1, in No. 4.

SINCE I last had the honour of writing to you, I have received communications from Colonel Townshend, commanding at Amherstburgh, in all of which he assures me of the tranquil

AFFAIRS OF LOWER CANADA, &c.

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LOWER
CANADA.

No. 4.

Sir J. Colborne to
Lord Glenelg,
17 February 1838.

Encl. 1, in No. 4.

tranquil state along the line of the western frontier, and of the decided measure taken by the American authorities to prevent any breach of the neutrality, or any assemblage of rebels.

Lieutenant-colonel Worth and several other officers of the United States army, who had accompanied their forces to Detroit, passed through this place two days ago, on their return to Niagara frontier, having been furnished with passports from Colonel Townshend for that purpose, not being able to return by the lake in consequence of the ice.

Since I wrote you the last, the 2d company of the 83d have arrived in this district, and both companies of that corps are now stationed at St. Thomas's, in a house there which I have rented at the rate of 100 *l.* per annum, I have taken it until the 1st May next; this, considering, is a moderate rent. The quarters here I have engaged for the same period, at the annual rent of about 200 *l.*, being 50 *l.* until the 1st May next.

The quarters have been fitted up in a temporary way, to make them as comfortable as the circumstances will allow for the soldiers, and I trust his Excellency will approve of what I have done in these respects.

This town, which I have selected for my head-quarters, is very central, and if the Lieutenant-general has no other use at present for the troops under my command, I think they cannot be in a better situation than they are now until the spring, as in this immediate vicinity there are a vast number of disaffected people, besides which the greater part of the state prisoners are confined in the gaol at London.

I have observed myself, and I find from information, that many American families settled in this part of the country are leaving it; whether it arises from fear, or being more or less concerned with the rebels, I know not; but be the cause what it may, it is a good thing to get rid of such ill-disposed people.

I have urged Colonel Townshend to reduce as much as possible the militia now assembled on the frontier, by sending them to their homes, and lessen the public expense; in consequence, indeed, he writes me that he has already dismissed a great number of them who were anxious to return to their villages and families, as there no longer exists the necessity of keeping so large a force there, particularly as there are now so many of the Queen's regular troops in this country.

Since the arrival of the commissariat officers in this district, I have been better enabled to enforce stricter economy in the different issues of that department, and I shall feel it my duty to lessen the expenses accordingly, as far as is consistent with a due regard for the public service.

I have to request you will inform his Excellency of the general good conduct of the troops.

I have, &c.

(signed) *John Maitland,*Lieut.-colonel commanding 32d Regiment,
and Colonel commanding.Col. the Hon. Chas. Gore, K.H.,
Deputy Quartermaster-General, &c. &c.,
Montreal.

Enclosure 2, in No. 4.

My dear Sir John,

Toronto, 13 February 1838.

Encl. 2, in No. 4.

SINCE my last announcing the tranquil state of the Western and London districts, I have this moment received a communication from Colonel Maitland, representing that as the rebels were assembled near Detroit, to the number of about 400, and were coming on from Cleveland, in a supposed body of about 600, he deemed it prudent to move forward from London with two companies of the 32d regiment, and with Captain Glasgow and the Royal Artillery from the same place; and that he had also ordered one company of the 83d from St. Thomas's to Amherstburgh. As Colonel Maitland has forwarded the particulars, as he has told me, to your Excellency and to Colonel Gore, I will not detain the express in entering into them myself.

I would merely observe, that Major Lachlan, sheriff of the western district, is now here from Sandwich, which place he left on the 10th instant, and that he does not place any confidence in the reported intention of the brigands to attack the frontier.

As to the 600 stated to be on their way from Cleveland, I in my last letter observed that there were about 400 in a most miserable state of wretchedness, from want of food and clothing, and totally destitute of arms. It is now thought that Van Rensselaer is with this party, but I cannot fancy this possible, as he was positively at Youge Town and at Lock Port on the 7th, the day on which Lady Head passed through those places for New York. Dr. Duncombe has escaped to Detroit in woman's clothes.

I will not fail to send reinforcements from hence, should it be found necessary by any outbreak or appearance of a rising in the London district.

There have been three or four gentlemen with me, who have come lately from the western frontier and Port Farnier, and one a very respectable merchant from Detroit; they all declare, that although the brigands would be most happy to make another attempt at invasion, yet that they are not prepared for anything on an extensive scale, being in general very deficient in arms; whereas our militia are comparatively well supplied with both arms and ammunition, independent of the seven guns now on the frontier.

I have, &c.

(signed) *C. Foster.*

CORRESPONDENCE RELATIVE TO THE

LOWER
CANADA.

No. 4.

Sir J. Colborne to
Lord Glenelg,
17 February 1838.

Encl. 2, in No. 4.

10 o'clock, P.M.—Another express has just arrived, it is from Colonel Reid, 32d, commanding at London; it gives nothing further than that Colonel Townshend had written to General Brady at Detroit, but that no answer had, at the moment of writing, been received, nor had Colonel Townshend's scouts brought him any further information.

His Excellency Lieut.-General Sir John Colborne,
&c. &c. &c.

(signed) *C. Foster.*

Enclosure 3, in No. 4.

Encl. 3, in No. 4.

Sir,

Amherstburgh, 8 February 1838.

I HAVE this moment received the enclosed documents, and, as they only corroborate similar reports, I hasten to apprise you of them, and to request that some reinforcement either of regulars or militia may be immediately sent, many of our numbers having returned home, as I have before notified to you by post; independent of the information now sent, I have been most credibly informed that the rebels to the amount of 1,000 are on the advance from the other side, that is, from Cleveland and Munro.

I have had rumours of such being their intention for some days past, and which I have reported by post; but as that mode of conveyance is so slow and precarious, I fear you may not receive them in time. Should the enclosed information not be correct, there is little doubt but what the rebels meditate mischief towards us, therefore pray send us some force; the few artillery men arrived yesterday will be of the greatest service to us, but having seven guns more would be acceptable.

To Col. the Hon. John Maitland,
&c. &c. &c.

(signed)

I have, &c.
H. D. Townshend,
Major 2d Regiment, and Colonel.

Enclosure 4, in No. 4.

Head Quarters, London and Western Districts, London,
Upper Canada, 10 February 1838.

Sir,

Encl. 4, in No. 4.

I HAVE the honour to enclose you for the information of his Excellency, the Lieutenant-general commanding, letters and reports, which I have just this moment received from Colonel Townshend, commanding at Amherstburgh.

Though these reports may not be true, I have thought proper to proceed myself with three companies to reinforce the troops on that frontier.

I take two companies of the 32d from this place, and I have directed one of the companies of the 83d regiment at St. Thomas's to proceed to Amherstburgh immediately; I have also taken with me the detachment of Royal Artillery (Captain Glasgow and ten men) from London.

There now remains here the two flank companies of the 32d regiment under Lieutenant-colonel Reid, and one gun (nine-pounder), which is sufficient for the moment for the security of the state prisoners here, and to keep in check the disaffected, and at St. Thomas's one company under Captain Colquhoun; I must here remark that the gun here is nearly useless for want of horses, and I beg to recommend, that, if it is practicable, this gun may be horsed by Colonel Cubitt, R.A., from Kingston, who I believe has horses at that station.

Should I find after my arrival at Amherstburgh, that these reports are not correct, and after having had communication from the authorities at Detroit, I shall then return to my head-quarters here, having with Colonel Townshend a sufficient reinforcement.

I beg to recommend, that, should his Excellency the Lieutenant-general be able to spare more troops, I think it advisable that a reinforcement of two more companies should be added to the force in these districts, as well as a reinforcement of men of the Royal Artillery.

Col. the Hon. Charles Gore, K.H.,
Dep. Quartermaster-general,
&c. &c. &c.
Montreal.

I have, &c.
(signed) *John Maitland,*
Lieutenant-colonel commanding 32d Regiment,
and Colonel commanding.

— No. 5. —

No. 5.

Earl of Gosford to
Lord Glenelg,
22 February 1838.

EXTRACT of a DESPATCH from the Earl of *Gosford* to Lord *Glenelg*;
dated Castle of St. Lewis, 22 February 1838.

At the instance of the Bishop of Montreal, and with the advice of the executive council, I issued on the 7th instant a proclamation, fixing Monday, the 26th instant, as a day of general thanksgiving for the restoration of public tranquillity in the province, this day having been previously agreed upon by the heads of the Protestant and Roman-catholic Churches.

AFFAIRS OF LOWER CANADA, &c.

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— No. 6. —

LOWER
CANADA.

No. 6.

Sir J. Colborne to
Lord Glenelg,
27 February 1838.COPY of a DESPATCH from Lieutenant-General Sir *J. Colborne*, G. C. B., to
Lord *Glenelg*.

My Lord,

Government House,
Montreal, 27 February 1838.

I HAVE the honour to acquaint your Lordship that I assumed the administration of the government of the province this day, the Earl of Gosford having notified his intention of leaving Quebec this morning, and having directed the clerk of the executive council to assemble the council at Montreal, to be present on my taking the usual oaths as administrator.

I transmit herewith, for your Lordship's information, a copy of Lord Gosford's letter, and also a copy of the proclamation I have issued on the occasion.

Enclosure, No. 1.
Enclosure, No. 2.

I have, &c.

(signed) *J. Colborne*.

Enclosure 1, in No. 6.

Sir,

Castle of St. Lewis,
Quebec, 24 February 1838.

Encl. 1, in No. 6.

I HAVE to request that you will take the necessary steps for summoning the members of the executive council to meet in council at Montreal on Tuesday next, the 27th instant, at three o'clock in the afternoon, for the purpose of swearing in Lieutenant-general Sir John Colborne to the administration of the government of these provinces, it being my intention to take my departure for England on that day.

The Hon. H. W. Ryland,
Clerk of the Executive Council.I remain, &c.
(signed) *Gosford*, Governor-in-Chief.

Certified. (A true copy.)

(signed) *George H. Ryland*.

Enclosure 2, in No. 6.

Province of Lower Canada. *J. Colborne*.

By his Excellency Sir John Colborne, Knight Commander of the most Honourable Military Order of the Bath, Knight Grand Cross of the Royal Hanoverian Guelphic Order, Lieutenant-General commanding Her Majesty's Forces in the Provinces of Lower Canada and Upper Canada, and Administrator of the Government of the said Province of Lower Canada.

Encl. 2, in No. 6.

A PROCLAMATION.

WHEREAS, by certain letters patent, bearing date at Westminster the first day of July, in the sixth year of the reign of our late Sovereign Lord William the Fourth, our said late Sovereign Lord William the Fourth did constitute and appoint the Right honourable Archibald Earl of Gosford to be Captain-general and Governor-in-chief, in and over the province of Upper Canada, and in and over the province of Lower Canada, respectively.

And whereas, in and by the said letters patent, it is provided that in case of the death or of the absence of the said Archibald Earl of Gosford out of the said province of Upper Canada, or out of the province of Lower Canada, in either of such cases, all and singular the powers and authorities granted to the said Archibald Earl of Gosford, should be given and granted to the Lieutenant-governor for the time being, of such provinces respectively, or of either of them as the case might be, or in the absence of any such Lieutenant-governor, to such person or persons as might by warrant under the sign manual be authorized and appointed to be the administrator of the government of the said provinces or either of them, such powers and authorities to be by him or them executed and enjoyed during the Royal pleasure; but if, upon the death or absence of the said Archibald Earl of Gosford out of the said provinces of Upper Canada or Lower Canada, or either of them, no person should be upon the place commissioned and appointed to administer the government of the said provinces until the return of the said Archibald Earl of Gosford from any such absence, or until the Royal pleasure could be further made known, the senior military officer for the time being in command of the forces within the said provinces of Upper Canada or Lower Canada, as the case may be, should take upon him the administration of the government thereof, and should execute in the said provinces respectively the said commission and the instructions therein mentioned, and the several powers and authorities therein contained, in the same manner and to all intents and purposes as other the Captain-general and Governor-in-chief should or ought to do.

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And

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CANADA.

No. 6.

Earl of Gosford to
Lord Glenelg,
22 February 1838.

Encl. 2, in No. 6.

And whereas, by reason of the absence of his Excellency the said Archibald Earl of Gosford, from and out of the said provinces of Upper Canada and Lower Canada, and under and by virtue of the above provision in the said letters patent contained, the administration of the civil government of Her Majesty's Province of Lower Canada, hath devolved upon me the said Lieutenant-general Sir John Colborne, being the senior officer commanding Her Majesty's forces within the said provinces of Upper and Lower Canada, with all and every the powers and authorities by the said letters patent vested in the said Archibald Earl of Gosford, I have, therefore, with the advice of Her Majesty's executive council of this province, thought fit to issue this proclamation to make known the same, and I do hereby require and command that all and singular Her Majesty's officers and ministers in the said province do continue in the due execution of their several and respective offices, places, and employments; and that Her Majesty's loving subjects, and others whom it may concern, do take notice hereof and govern themselves accordingly.

Given under my hand and seal at arms, at the Government House, in the city of Montreal, in the province of Lower Canada, the 27th day of February, in the year of our Lord 1838, and in the first year of Her Majesty's reign.

By His Excellency's command,

D. Daly, Secretary of the Province.

— No. 7. —

No. 7.

Sir J. Colborne to
Lord Glenelg,
28 February 1838.

COPY of a DESPATCH from Lieutenant-General Sir *J. Colborne*, G. C. B. to Lord *Glenelg*.

My Lord,

Government House, Montreal, 28 Feb. 1838.

THE law officers of the Crown in this province having represented to me the serious embarrassment that would probably arise in the present unsettled state of the district of Montreal, in consequence of a proclamation having been issued appointing a day of general thanksgiving, and stating that an end has been put to the rebellion, thus virtually, as it may be supposed, discontinuing the Act declaring martial law, I deemed it my duty to take the earliest opportunity of bringing the suggestions of the law officers before the executive council, when it was unanimously agreed to issue a proclamation, announcing the continuance of martial law, a copy of which I have the honour to transmit.

Your Lordship will, I am persuaded, coincide with the executive council in thinking that, with a rebel force hovering on the frontier line, supported by Americans of the lowest and worst description, it would be most imprudent to discontinue martial law in the district, both with respect to the present excitement in this province, and the movements of the rebels in our front.

I have, &c.
(signed) *J. Colborne*.

Enclosure in No. 7.

Province of Lower Canada. *J. Colborne*.

Encl. in No. 7.

By his Excellency Sir John Colborne, Knight Commander of the most Honourable Military Order of the Bath, Knight Grand Cross of the Royal Hanoverian Guelphic Order, Lieutenant-General commanding Her Majesty's Forces in the Provinces of Lower Canada and Upper Canada, and Administrator of the Government of the said Province of Lower Canada.

A PROCLAMATION.

WHEREAS his Excellency the Right honourable Archibald Earl of Gosford, Captain-general and Governor-in-chief in and over the provinces of Upper and Lower Canada, did, by Royal commission, dated at the Castle of St. Lewis the fifth day of December, 1837, authorize and command me, as Lieutenant-general commanding Her Majesty's Forces in this province, to execute martial law in the district of Montreal, and to arrest and punish all persons acting, aiding, or in any manner assisting in the conspiracy and rebellion which then existed within the said district of Montreal, and which had broken out into the most daring and violent attacks upon Her Majesty's forces, according to martial law, either by death or otherwise, as to me should seem right and expedient, for the punishment and suppression of all rebels in the said district; and whereas his Excellency the Governor-in-chief hath not in anywise cancelled or recalled the orders and authority so by him to me given in that behalf; and whereas, although the said conspiracy and rebellion have been put down, and peace hath been apparently restored, yet the public safety requires that law martial should still be exercised in the same manner, and to the same extent as his Excellency the Governor-in-Chief hath authorized and commanded me to exercise the same; now, therefore, I have thought fit, by and with the advice and consent

of

AFFAIRS OF LOWER CANADA, &c.

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of Her Majesty's executive council of this province, to issue this proclamation, to the end that it be made manifest, that I shall arrest and punish, and cause to be arrested and punished, all persons who have been anywise acting, aiding, and assisting in the said conspiracy and rebellion, or who may be anywise acting, aiding, or assisting in any other conspiracy and rebellion within the said district of Montreal, according to martial law, either by death or otherwise, as to me shall seem right and expedient, for the punishment of all rebels in the said district.

Given under my hand and seal at arms, at the Government House, in the city of Montreal, in the province of Lower Canada, the 27th day of February, in the year of our Lord, 1838, and in the first year of Her Majesty's reign.

By his Excellency's command,

D. Daly, Secretary of the Province.

LOWER
CANADA.

No. 7.

Sir J. Colborne to
Lord Glenelg,
28 February 1838.

Encl. in No. 7.

— No. 8. —

COPY of a DESPATCH from Lieutenant-General Sir *J. Colborne*, G. C. B., to
Lord *Glenelg*.

No. 8.

Sir J. Colborne to
Lord Glenelg,
3 March 1838.

My Lord,

Government House, Montreal, 3 March, 1838.

I HAVE the honour to acquaint you, that the parties of rebels from Lower Canada which for several weeks had been at Platzburg and Champlain, arming and preparing to enter the province, crossed Lake Champlain on the night of the 27th ultimo, and entered this province from Alburg in Vermont on the 28th. They did not, however, move more than a mile beyond the frontier.

The Missisquoi volunteers quickly assembled to attack them, and Lieutenant-colonel Booth advanced from St. John with the 43d Regiment to Henryville early on the 1st, with the intention of intercepting them on their march; but they repassed the line the same day, and surrendered their arms to General Wool, of the United States army.

I transmit to your Lordship the accompanying copy of a letter from that officer, by which it appears, that he has arrested Côte and Doctor Robert Nelson, the leaders of the rebel force, and disarmed their followers.

Enclosure, No. 5.

It appears that the rebels had with them about 1,500 stand of arms, three field pieces, and a large quantity of ammunition.

General Wool, I believe, has used every exertion to prevent the organization of the rebels, and to seize the arms with which they have been supplied by the Americans.

I also forward the accompanying reports from officers commanding in the western district, at Toronto, at Kingston, and other stations in Upper Canada.

Enclosures,
Nos. 2, 3 & 4.

Your lordship will find from them that a combined attack has been made by the brigands from the United States on the two provinces. The attempt to invade the western, Niagara, and eastern districts of Upper Canada, and the Missisquoi frontier in Lower Canada, have been feeble; but they have afforded the militia and volunteers another opportunity of showing their loyalty and attachment to the mother country.

The whole population, however, is kept in a state of continual excitement by this description of warfare carrying on by the brigands on the frontier, and it has already caused an enormous expense; for, while the provinces are menaced with attack, the services of the militia and volunteers cannot be dispensed with.

I forward with this despatch two printed papers that have been distributed by the rebels along the frontier.

Enclosures,
Nos. 6 & 7.

I have, &c.

(signed) *J. Colborne*.

Enclosure 1, in No. 8.

Sir,

Head-quarters, Montreal, 28 February 1838.

I HAVE the honour to acquaint you, that during the last week I received frequent reports from the officers commanding at Kingston and Gananoqui and other towns of the Johnston and eastern districts of Upper Canada, that armed parties were assembling on the southern side of the St. Lawrence, at Ogdensburgh, Morristown, Water Town, and French Creek, with the intention of making an attack on Kingston and Gananoqui.

Encl. 1, in No. 8.

The whole of the population of the Midland, Johnstone, and Eastern districts having been kept in a state of constant alarm, there has been a rush of the militia and volunteers, with their usual zeal and loyalty, towards the points menaced with attack. On the 21st instant a considerable number of brigands were collected at French Creek, chiefly from Ogdensburgh

LOWER
CANADA.

No. 8.

Sir J. Colborne to
Lord Glenelg,
3 March 1838.

Encl. 1, in No. 8.

and Water Town, the arsenals of Russel and Water Town, it is said, having been previously broken open and plundered; and on the 22d about 400 or 500 of this rabble left French Creek, and proceeded to Hickory Island (British territory), a small island about four miles from Gananoqui, the remainder proceeded to Grindstone Island, but on hearing that a large British force was posted at Gananoqui and Kingston to receive them, they returned to French Creek, and dispersed. A few persons were taken on Hickory Island.

The accompanying documents contain a detailed account of this affair, and the proceedings of the brigands menacing our frontier.

Yesterday information was sent to me from Plattsburgh, from several respectable citizens of the United States, that all the leaders of the rebels, many Lower Canadians and Americans, had quitted Plattsburgh in 40 sleighs, each with a blanket and with arms, and that they were proceeding to Alburg, or Hog Island, in Missisquoi Bay and Highgate, and last night an aide-de-camp arrived from General Wool, with a communication from him, referring me to Captain Smith, his aide-de-camp, and to Mr. Cady, the brother of the United States marshal, for important intelligence. These gentlemen corroborated the account of the movement of the rebels and Americans which I had received in the morning, and acquainted me that Elizabeth Town arsenal, in Essex county, had been broken open, and robbed of 1,000 stand of arms; that General Wool had captured one field piece and some ammunition, but that he had not force sufficient to protect the Vermont frontier.

It is evident, therefore, that these repeated violations of neutrality must produce serious consequences, if the United States government has not the power to control the rabble which has been acting against us on our extensive frontier, with great perseverance, for more than two months.

The general officers who have been employed by the United States have all exerted themselves to preserve the neutrality, but have not a sufficient force to repress the disorders to which I advert.

To the Right Hon. Henry S. Fox,
&c. &c. &c.

I have, &c.
(signed) J. Colborne.

Enclosure 2, in No. 8.

My dear Sir,

Toronto, 9 P.M. 28 February 1838.

Encl. 2, in No. 8.

THE despatch, of which the accompanying is a copy, is the latest which I have received from Colonel Maitland at Amherstburgh. I hasten to forward it, with its enclosure from Colonel Townshend, without comment.

I feel concerned to be obliged to say, that a band of about 250 brigands, with two pieces of artillery (one a three-pounder only) attempted to cross on the ice from a place nearly eight miles west of Buffalo to Point Abino, about ten miles from Fort Erie, on the British shore of Lake Erie, a short time since; and that, although Colonel Worth, of the American army, pursued them as soon as he heard of the movement, with a body of the United States army, &c. they found means to effect their escape, Colonel Worth having been able to effect the capture of the two pieces of artillery only. I have been importuned to send a company of the 24th regiment to support the militia on the Niagara frontier; but as there are but four companies only of that regiment at Toronto, I have declined breaking up that small force, particularly as the state trials will commence here on the 8th proximo, and have ordered three companies of an efficient corps of militia volunteers, under a good field officer, to form the reinforcement.

Lieut.-General Sir John Colborne,
&c. &c. &c.

Yours truly,
(signed) C. Foster.

Enclosure 3, in No. 8.

Sir,

Amherstburg, U. C., 25 February 1838.

Encl. 3, in No. 8.

I HAVE the honour to inform you that information reached me yesterday afternoon, about three o'clock, that a considerable body of piratical rebels from Detroit, had entered the British territories on this frontier, and taken possession of Her Majesty's island, called Fighting Island.

This island is a long strip of land, situate between Sandwich and Amherstburg, about eight miles from hence; from the best information I could collect, the rebels there were reported to number from 300 to 500 men, well provided with arms, ammunition, and provisions; as I was given to understand, reinforcements of men and cannon were expected at the island immediately, to strengthen their position; and fearing that such would doubtless follow, if means were not taken to dislodge them, I determined to lose no time in sending a detachment of troops to drive them off the island; at three o'clock this morning, I despatched to the village opposite that place two companies, one of Her Majesty's 32d regiment, and one ditto of the 83d regiment, accompanied by a nine-pounder, under the command of Captain Glasgow, of the Royal Artillery.

I directed Lieutenant-colonel Elliot, commanding the militia force at Sandwich, to meet this detachment at the village with about 250 of his men: the whole were accordingly assembled, and, under the command of Colonel Townshend, of Her Majesty's 24th regi-
ment,

ment, with instructions from me to the above effect, and which I am happy to say he has accomplished (and the troops have returned to their quarters at twelve o'clock this day), as you will see by the enclosed report, directed to me, which, together with my letter, I have to request you will lay before his Excellency the Lieutenant-governor of the province, as also his Excellency the Lieutenant-general commanding.

I trust this trifling affair will check the proceedings of the lawless banditti which of late have been the means of much disappointment and annoyance by keeping the troops on this frontier perpetually in expectation of an attack; the last three nights I have been obliged to keep the soldiers in readiness to move at a moment's call; last night, from reports I received, I had every reason to expect that I should have been attacked at Amherstburg by a force said to be collected, amounting from 1,500, to 2,000 men at Munroe, and in that neighbourhood; from the credible sources I derived these accounts it obliges me to be, I may say, in hourly expectation of the advance of the rebels; but I regret to say they do no more than repeat those threats, and which will no doubt continue until the ice breaks up, which at present in this neighbourhood is firm from the opposite shore all around us; should they have the temerity to try an attack, I am in every way prepared for them.

There is an important circumstance connected with this affair, which I deem it my duty to notice: the individuals dislodged from Fighting Island by the Queen's troops are chiefly American citizens; and further, that the arms in their possession, a few stands of which were captured, are new United States muskets, and marked accordingly; and, strange to say, that on the evacuation of the island by these people, it is a remarkable fact, that they were permitted to return to the American shore, where they formed in line, and opened a fire from thence on Her Majesty's troops, and this without obstruction on the part of the American authorities; whatever may be the professed desire to preserve the neutrality between Great Britain and the United States, or the orders given for enforcing it, my opinion is, that the conduct of the authorities in this instance partakes more of connivance at the outrages daily practised under their own eye, than of the smallest effort to prevent those occurrences so much to be complained of.

Since writing the above I have ascertained from the United States officers who have waited upon me, that several of the rebels were severely wounded by the cannon shot.

I have, &c.

(signed) *John Maitland*,
Lieut.-Colonel Commanding 32d Regiment,
and Colonel Commanding.

To Colonel Foster,
Commanding the Troops, U. C. &c. &c. Toronto.

LOWER
CANADA.

No. 8.

Sir J. Colborne to
Lord Glenelg,
3 March 1838.

Encl. 3, in No. 8.

Enclosure 4, in No. 8.

Sir,

Amherstburg, 25 February 1838.

I HAVE the honour to report, that agreeable to your instructions, I last night proceeded with an escort of the St. Thomas volunteer cavalry to the Petite Cote, for the purpose of reconnoitering the position of Fighting Island, then in the possession of the rebels, and to ascertain the practicability of passing troops over the ice for the purpose of dislodging them. Finding that Colonel Elliott, commanding at Sandwich, had returned to his post with the militia and volunteers under his command, I immediately despatched a dragoon for the purpose of recalling him, and desiring that he would meet me with all his disposable force, for the purpose of co-operating with the regular troops you were so good as to entrust me with from this garrison; the latter consisting of Captain Browne's company, 32d regiment, the 83d company under Lieutenant Kelsall, and Captain Glasgow's detachment of the Royal Artillery, with one nine-pounder, joined me this morning at about half-past six, A. M.; the former, under Colonels Elliott and Askin, arrived about seven, amounting to between 300 and 400 men. I immediately gave instructions to Captain Glasgow to open a fire on the enemy, who were seen in great numbers on the banks of the island and on the ice; and I have great satisfaction in adding that his practice was attended with the best results, the enemy being much discomposed by the precision and rapidity of the fire.

On concentrating my forces, I immediately adopted the resolution of passing the ice at any point that might be found practicable, much doubt existing as to the safety of the passage; we, however, were fortunate in selecting one at which to cross in single files below the island, the enemy, I have reason to believe, supposing such an event impossible.

Captain Browne, with the company of the 32d, leading the way followed by the 83d; the former being the first over I directed to keep the outskirts of the island facing the American shore, with a view of intercepting the retreat of the rebels, while the latter moved in extended order through the brushwood, flanked and supported by the militia and volunteers.

This advance was executed with regularity and order, and I only regret that the enemy did not give us the opportunity of disproving to the American nation and the rebels, who have so actively disseminated the libel, "that the militia of the Upper Province would not fight against them," as I can safely say I never witnessed more alacrity and zeal displayed than was shown on this occasion by that body, or greater anxiety to encounter their foul aspersers.

The flight of the rebels was most precipitate, leaving behind them one gun, which was only discharged once, various arms, rifles, muskets, pistols, swords, and provisions of every kind; together with powder, shot, and other munitions. I beg to observe of the muskets, that

Encl. 4, in No. 8.

LOWER
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No. 8.

Sir J. Colborne to
Lord Glenelg,
3 March 1838.

Encl. 4, in No. 8.

they were of the United States army, and perfectly new, not having been fired, and apparently just taken out of the boxes which were found in their camp. Of the provisions, too, I must add, that they were in many cases of a quality different to what would be furnished for the use of troops, consisting of crackers in barrels, boxes of smoked herrings, &c., and such as would have been contributed by a sympathizing public rather than by a commissariat.

The most pleasing, and yet most difficult part of my duty, remains to be performed, viz. the calling your attention to the steadiness and general good conduct of the troops employed on this occasion, and the alacrity and zeal evinced by the large body of volunteers and militia that responded to my call.

Where every one vied in the discharge of the duties assigned to them, it would be invidious in me to particularize, but I must be excused if I mention the zealous co-operation of the following officers commanding corps: Colonels Elliott and Askin, of the 2d Essex militia; Captain Glasgow, of the Royal Artillery; Captain Ermatinger, of the St. Thomas volunteer cavalry; and Lieutenant-Colonel Prince, who, though not commanding, was conspicuous as a volunteer. I also beg to call your attention to the alacrity with which the Indians of the neighbourhood turned out to our assistance; it is, perhaps, worthy of remark, that on the rebels retiring to the American shore, they there formed themselves into platoons and fired several rounds on us, but without effect.

I have, &c.
(signed) *H. D. Townshend*,
Major 24th Regiment and Colonel.

Colonel the Hon. John Maitland, 32d Regiment,
Commanding, Amherstburg.

Enclosure 5, in No. 8.

To his Excellency Sir John Colborne, Commander-in-chief, &c. &c.

Head Quarters, Alburgh Springs, Vermont, 1 March 1838.

Encl. 5, in No. 8.

I HAVE the honour to inform your Excellency that Doctors Nelson and Côte, this day, about two o'clock p. m. near the Canada line, about one mile north of Alburgh Springs, surrendered themselves to me with all their forces, cannon, small-arms, and ammunition.

Doctor Nelson and other leaders are in my possession, and will be delivered to the civil authorities of the United States to-morrow morning, to be dealt with according to the laws.

I have now only time to add, that the frontier of this state, as well as the northern frontier of New York, is entirely tranquillized, and in no danger of being again soon disturbed.

Lieutenant Sawyer of the United States navy, will have the honour to deliver this communication.

I have, &c.
(signed) *John E. Wool*.
Brigadier-General Commanding.

Enclosure 6, in No. 8.

PROCLAMATION, No. 2.

PEOPLE OF CANADA:

Encl. 6, in No. 8.

WE have been oppressed by the hand of a transatlantic power, and unjustly and cruelly castigated with the rod of unrelenting misrule for a long series of years, so long that the measure of tyranny has filled to overflowing. We unceasingly, but in vain, have attempted to bridle a bad government, rescind bad laws, enact such as would cause our institutions to emerge from the mire of ancient vassalage and rise to the level of those which characterise the recent government of the 19th century. We now are compelled, by the force of tyranny and contrary to our sentiments, to appeal to the force of arms, in order that we may acquire and secure to us such rights as are due to a deserving and free people; nor shall we lay those arms down, until we shall have secured to our country the blessings of a patriotic and sympathizing government.

To all such persons as aid us in these our patriotic exertions, we extend the hand of fraternity and fellowship; and to such as shall persist in the blind, headlong, plundering, sanguinary, and incendiary course that has, to our sorrow and the suffering of our aged people, our women and our children, so disgracefully stamped the heedless career of Sir John Colborne, the commander of the British forces, and his adherents, we shall, in self-defence and in common justice to our people and our cause, inflict the retaliation which their own terrific example has set before us; but, as there are many persons who now repent of their conduct and of the vandalism of their associates, a course which has driven us to war, and as our sense of humanity, of justice, and of honour, is cast in a different mould from that of our oppressors, we cannot reconcile to our principle, or to the morals that elsewhere than in the English government in Canada distinguish the age we live in, to exercise their savage example towards them.

We

AFFAIRS OF LOWER CANADA, &c.

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We therefore solemnly promise to afford security and protection, both in person and property, to all such as shall lay down their arms and otherwise cease to oppress us, a promise which our character and the known moral and peaceable habits of our native people sufficiently guarantees; nor shall we lay down our arms until we shall have effected and secured the object of our first proclamation.

By order of the Provisional Government of the State of Lower Canada,

Robert Nelson,
Commander-in-chief of the Patriot Army.

LOWER
CANADA.

No. 8.

Sir J. Colborne
to Lord Glenelg,
3 March 1838.

Encl. 6, in No. 8.

Enclosure 7, in No. 8.

DECLARATION.

WHEREAS the solemn covenant made with the people of Lower and Upper Canada, and recorded in the Statute Book of the United Kingdom of Great Britain and Ireland, as the 31st chapter of the Act passed in the 31st year of the reign of King George 3d, hath been continually violated by the British Government and our rights usurped; and whereas our humble petitions, addresses, protests, and remonstrances against this injurious and unconstitutional interference have been made in vain, that the British Government hath disposed of our revenue without the constitutional consent of the local legislature, pillaged our treasury, arrested great numbers of our citizens and committed them to prison, distributed through the country a mercenary army, whose presence is accompanied by consternation and alarm, whose track is red with the blood of our people, who have laid our villages in ashes, profaned our temples, and spread terror and waste through the land; and whereas we can no longer suffer the repeated violations of our dearest rights, and patiently support the multiplied outrages and cruelties of the government of Lower Canada, we, in the name of the people of Lower Canada, acknowledging the decrees of a Divine Providence, which permits us to put down a Government which hath abused the object and intention for which it was created, and to make choice of that form of government which shall re-establish the empire of justice, assume domestic tranquillity, provide for common defence, promote general good, and secure to us and our posterity the advantage of civil and religious liberty, solemnly declare—

Encl. 7, in No. 8.

1. That from this day forward the people of Lower Canada are absolved from all allegiance to Great Britain, and that the political connexion between that power and Lower Canada is now dissolved.

2. That a republican form of government is best suited to Lower Canada, which is this day declared to be a republic.

3. That under the free government of Lower Canada all persons shall enjoy the same rights; the Indians shall no longer be under any civil disqualification, but shall enjoy the same rights as all other citizens of Lower Canada.

4. That all union between Church and State is hereby declared to be dissolved, and every person shall be at liberty freely to exercise such religion or belief as shall be dictated to him by his conscience.

5. That the feudal or seigniorial tenure of land is hereby abolished as completely as if such tenure had never existed in Canada.

6. That each and every person who shall bear arms, or otherwise furnish assistance to the people of Canada in this contest for emancipation, shall be and is discharged from all debts due, or obligations real or supposed, for arrearages in virtue of seigniorial rights heretofore existing.

7. That the *Douaire Coutumier* is for the future abolished and prohibited.

8. That imprisonment for debt shall no longer exist, excepting in such cases of fraud as shall be specified in an act to be passed hereafter by the legislature of Lower Canada for this purpose.

9. That sentence of death shall no longer be passed nor executed, except in case of murder.

10. That mortgages on landed estate shall be special, and to be valid shall be enregistered in offices to be created for this purpose by an act of the legislature of Lower Canada.

11. That the liberty and freedom of the press shall exist in all public matters and affairs.

12. That trial by jury is guaranteed to the people of Lower Canada in its most extended and liberal sense in all criminal suits, and in civil suits above a sum to be fixed by the legislature of the state of Lower Canada.

13. That as general and public education is necessary and due by the government to the people, an act to provide for the same shall be passed as soon as the circumstances of the country will permit.

14. That to secure the elective franchise all elections shall be had by ballot.

15. That with the least possible delay the people shall choose delegates according to the present division of the country into counties, towns, and boroughs, who shall constitute a convention or legislative body, to establish a constitution according to the wants of the country, and in conformity with the disposition of this declaration, subject to be modified according to the will of the people.

16. That every male person of the age of 21 years and upwards shall have the right of voting as herein provided, and for the election of the aforesaid delegates.

LOWER
CANADA.

No. 8.

Sir J. Colborne to
Lord Glenelg,
3 March 1838.

Encl. 7, in No. 8.

17. That all crown lands, also such as are called clergy reserves, and such as are nominally in possession of a certain company of landholders in England, called the "British North American Land Company," are of right the property of the state of Lower Canada, except such portions of the aforesaid lands as may be in possession of persons who hold the same in good faith, and to whom titles shall be secured and granted by virtue of a law which shall be enacted to legalize the possession of and afford a title for such untitled lots of land, in the townships as are under cultivation or improvement.

18. That the French and English languages shall be used in all public affairs.

And for the fulfilment of this declaration, and for the support of the patriotic cause in which we are now engaged, with a firm reliance on the protection of the Almighty and the justice of our conduct, we, by these presents, solemnly pledge to each other our lives, our fortunes, and our most sacred honour.

By order of the Provisional Government,

Robert Nelson, President.

— No. 9. —

EXTRACT of a DESPATCH from Lieutenant-General Sir J. Colborne, G.C.B., to Lord Glenelg, dated Government House, Montreal, 9 March 1838.

No. 9.

Sir J. Colborne to
Lord Glenelg,
9 March 1838.

I HAVE the honour to transmit to you the accompanying copy of a letter from Colonel Maitland, dated 4th March 1838, reporting the result of an able and gallant attack which he made on a party of brigands from Sandusky Bay, in the State of Ohio, who had taken possession of Point Pelé Island, in Lake Erie, about 40 miles from Amherstburgh.

Our frontier is at present so closely watched and guarded by the volunteer corps of both provinces, that no serious impression can be made by the parties of brigands that are carrying on the piratical mode of warfare along our extended line; but I trust that the late disgraceful acts on the part of the lawless population of the neighbouring States, will compel the American Government to adopt effectual measures to prevent a repetition of the outrages which have been committed by the citizens of the United States.

Enclosure in No. 9.

Sir,

Amherstburgh, U. C., 4 March 1838.

Encl. in No. 9.

WHEN I wrote you on Sunday last, announcing the defeat of the pirates at Fighting Island, I did not think I should have to report to you another instance of a British island being taken possession of in this quarter.

Early in the week I received information from different quarters, that Point Pelé Island had been taken possession of by the patriots from Sandusky Bay. This island is of considerable magnitude, being from seven to nine miles in length, and from four to five in breadth; it is situated in Lake Erie, about 40 miles from Amherstburgh, and 20 miles from the shore. I sent three or four local officers to ascertain the fact of their being there; they went close to the shore, and were fired upon; this, together with the circumstance of several people who had gone over to the island to look after their property, and who were detained by the patriots, confirmed me that the report was true. I, therefore, on Thursday afternoon, despatched Captain Glasgow, of the royal artillery, to inspect the strength of the ice, and report his opinion to me as to the practicability of moving guns and troops to that place. He returned the following day, at 12 o'clock, and reported that the ice was practicable and strong enough to pass. I therefore determined, without loss of time, to attack them by day-break the following morning; accordingly, with two guns (six-pounders), the four companies of the 32d regiment, one company of the 83d regiment, a small detachment of 30 belonging to the Sandwich troop of cavalry and St. Thomas's troop of cavalry, one company of the Essex volunteer militia, and a small party of Indians, moved that evening, under my own immediate command, 18 miles along the lake shore, where I halted for some time to rest the horses, and, at two o'clock in the morning, commenced my march on the lake ice, arriving at the island just at break of day.

I had previously arranged my plan of attack, which was as follows: I directed Captain Brown, with the first and second companies of the 32d regiment, to proceed round to the south end of the island, and take up a position on the ice to intercept any attempting at escape by that direction; he was accompanied by a detachment of about 25 men of the Sandwich and St. Thomas's cavalry. Having made this arrangement, I landed myself, with the remainder of the force and the two guns, at the north end; the rebels fled on my approach, and escaped into the woods. I was here informed by some of the loyalists who had been made prisoners by the patriots on the island, that they were in force to the amount of about 500. The troops moved on in extended order, and pursued them through the island; but, as the wood was thick, and the snow extremely deep and heavy, the men were much retarded in their progress.

The rebels, finding themselves hemmed in on every side, moved out at the south end of the island, the only place by which they could escape to the American shore, and advanced
in

AFFAIRS OF LOWER CANADA, &c.

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in line, upwards of 300 men, well armed and organized, upon Captain Brown's detachment, where they met with the greatest resistance; a brisk fire being kept up on both sides for some time, and several of Captain Brown's detachment having fallen, he determined to charge them, which he did, and forced them back (to the wood where they retreated in great confusion) at the point of the bayonet. I particularly beg to recommend this circumstance to the notice of his Excellency the Lieutenant-General commanding.

On the road, inside of the wood, the rebels had a number of sleighs, by which means they succeeded in carrying away about 40 of their wounded men; the others succeeded in escaping at the southernmost point of the island, and got over to the American coast, leaving killed on the spot their commanding officer, a Colonel Bradley, a Major Howdley, and Captains Van Rensselaer and M'Keon, and several others; some prisoners were taken, several of whom were severely wounded.

I regret to say that the taking of this island has not been gained without considerable loss on our part; and I have to request that you will report for his Excellency's information, that 30 soldiers of the 32d regiment fell in this affair, two of whom were killed, the others, some dangerously, some severely, wounded. I sincerely regret the loss of so many brave soldiers, and feel it the more, when I reflect they did not fall before an honourable enemy, but under the fire of a desperate gang of murderers and marauders. A list of the killed and wounded I have the honour herewith to enclose.

Having scoured the woods, and satisfied myself that the island was cleared, I re-formed the troops, and, about five o'clock in the evening, proceeded back, and the soldiers returned to their quarters, at Amherstburgh, that night.

When you take a view of the circumstances of this affair, I need hardly detail to you the arduous duties the soldiers have had to perform, from the time they left this until their return, travelling, as they did, 40 miles in an excessively cold night, 20 of which were across the lake; accomplishing the object I had in view, namely, liberating the loyalists detained on the island, gaining possession of the place, restoring it to the proprietors, defeating, with considerable loss, the enemy, and returning again to their barracks, within 30 hours.

My warmest thanks are due to the whole of the officers who supported me in this undertaking, and it is impossible for me, in words, to do justice to the gallant soldiers of Her Majesty's royal artillery, 32d regiment, 83d regiment, and the loyal volunteers of cavalry, infantry, and the few Indians, who constituted the force under my command.

I have to regret that Mr. Thomas Parish, a private in the Saint Thomas' troop of volunteer cavalry, was killed in the rear of the 32d regiment by a musket shot. Colonel Prince, of Sandwich, Mr. Sheriff Lachlan, Captain Girty, and several other gentlemen, asked my permission to accompany me, which they did, and gallantly acted with their rifles, with our soldiers, against the rebels in the wood; I found them very useful from their knowledge of the locality of the place.

I trust this second repulse on this frontier of the American banditti (let it be understood that I have it from satisfactory authority that the whole of the gang driven from Pelé Island are American citizens), will be a lesson to them, that they are not with impunity to hold British territory.

A large tri-coloured flag, with two stars, and the word "liberty" worked upon it, and 11 prisoners, were also taken, some of whom state that they were formerly on Navy Island; about 40 American muskets, some ammunition, swords, &c., were also taken.

I am informed by the prisoners that it was the decided intention of these people to land on the Canadian shore last night, and march upon Amherstburgh, destroying by fire on their way all the houses, &c., they had to pass, and for which six sleigh loads of American citizens, from Sandusky Bay, had joined them the night previous to my attack, and made their escape back again immediately on my appearance in front of the island.

I have the honour to request that you will lay the substance of this letter before his Excellency the Lieutenant-Governor, and forward it to Montreal, for the information of his Excellency the Lieutenant-General commanding.

I have, &c.

(signed) *John Maitland,*

Lieut.-Col. Commanding 32d Regiment, and Col. Commanding Western Frontier.

Colonel Foster, Commanding Forces in Upper Canada,
&c. &c. &c.

— No. 10. —

(No. 9.)

COPY of a DESPATCH from Lieutenant-General Sir *John Colborne*, G. C. B.,
to Lord *Glenelg*.

My Lord,

Government House,
Montreal, 19 March 1838.

I HAVE the honour to acquaint you that I have received a communication from General Wool of the United States army, a copy of which is annexed, informing me of the desire of many of the Canadians at Champlain to return to the province. The petitioners have no claim to our compassion, as it is only since

LOWER
CANADA.

No. 9.

Sir J. Colborne to
Lord Glenelg,
9 March 1838.

Encl. in No. 9.

No. 10.

Sir J. Colborne to
Lord Glenelg,
19 March 1838.

Enclosure, No. 1.
13 March 1838.

LOWER
CANADA.

No. 10.

Sir J. Colborne to
Lord Glenelg,
19 March 1838.

Enclosure No. 2.
25 February 1838.

since the failure at Alburg that they have made their request. I have, however, made arrangements for their reception.

I transmit to you a copy of an intercepted letter from Dr. Robert Nelson to Mr. Ryan, late of Quebec, forwarded to me by General Wool.

I have, &c.
(signed) *J. Colborne.*

Enclosure 1, in No. 10.

To His Excellency Sir *John Colborne*, Commander-in-Chief of the British Forces in the Canadas, &c.

Head Quarters, Champlain, N. Y.,
13 March 1838.

Encl. 1 in No. 10.

I HAVE the honour herewith to transmit to your Excellency a petition signed by 20 Canadians, who are desirous of returning to their homes and country. The petitioners are called common Canadians, many of whom, however, as I am informed, have farms and families. Believing that much good would result to both countries if this wandering and deluded population would be permitted to return to their homes, I have encouraged the application, with a promise to intercede in their behalf. They are here with but small means, and no prospect of being able to provide for their families, consequently a prey to corrupt and designing men, who hang upon the borders of the frontier for no other purpose than to avail themselves of this floating population, whenever a favourable opportunity may offer, to disturb the peace and quiet of the people on both sides of the line, with the avowed object of finally producing a war between the two countries, England and the United States. If this population could return to their homes and remain there, it would, I think, in a great degree, remove the cause of the excitement which exists among our own people on this and the Vermont frontier, and deprive Nelson, Côte, and others of a force always at hand to aid them in their designs.

With these observations, I would call your attention to the subject, with the assurance that I will co-operate to the extent of my powers in all measures tending to the peace and quiet of the frontier, and the preservation of the neutral obligations of the United States.

Mr. Thomas J. Whitesides of this town will have the honour to present this communication, at the same time will be able to give your Excellency much valuable information on the subject.

(signed) *J. E. Wool*, Brigadier-General,
Commanding N. F.

Enclosure 2, in No. 10.

Dear Sir,

Plattsburgh, Sunday, 25 February 1838.

Encl. 2 in No. 10.

I KNOW not when you may receive this, but as I have very little time hereafter, I avail myself this spare moment to convey to you our request, and send a few of the proclamations of the provisional government of Lower Canada, which I am desirous you should distribute in your part of Canada to the best advantage. According to agreement, M'Kenzie, with a large force and well provided for war, took up his march on Thursday evening last towards Upper Canada. On Friday morning his army was safely encamped near Gananoqui, about 18 miles below Kingston, and last evening a slip from Montreal came to hand saying he had taken Kingston. This news we are assured was confirmed by a despatch from Sir J. Colborne to General Wool at Champlain this morning. On the first report of M'Kenzie's movements at Water Town, all the spare troops possible were sent on towards Upper Canada, and this morning we learn that Sir John is on his way thither, having taken the largest number of regulars he could with him. We have so arranged, that Wool and Colborne & Co. are under the firm persuasion that we have recently sent on our men and means to the assistance of M'Kenzie, and this is confirmed by the apparent absence of our men and ammunition. We are informed on this evening, Wool will move west to guard the St. Lawrence frontier, disregarding us; that will much facilitate our entry into Lower Canada on Monday night and Tuesday morning. Our force is abundant for our purpose, so, if you can possibly co-operate, our success will be of easier attainment. I would advise you to make your way with all possible speed to Three Rivers, if you have men enough, when we shall by rapid movements join you after having rescued Montreal; if your force is insufficient for this first route, then make your way to St. Hyacinth, and thence to Sorel, where you may take up quarters until you receive instructions; if again your force is still less, move on with what you can muster to Missisquoi Bay, St. John's, and La Prairie; collect all you can of fire-arms. Papineau has abandoned us, and this through selfish and family motives regarding the seigniories, and inveterate love of the old French bad laws. We can do well without him, and better than if we had him, a man only fit for words, but not for action. We have the most positive assurance of a lively and cordial reception on our arrival. We have named you a captain, but I do not send the commission now, it is unnecessary.

J. B. Ryan, Esq. Derby Line.

Yours, &c.
(signed) *Robert Nelson.*

A true copy of the original in my possession, and transmitted to Brigadier-General Wool from Troy, Vt. 7 March 1838.

(signed) *H. B. Sawyer*,
Lieutenant U. S. Navy.

— No. 11. —

(No. 17.)

COPY of a DESPATCH from Lieutenant-general Sir *John Colborne*, G. C. B.,
to Lord *Glenelg*.

Government House,
Montreal, 30 March 1838.

My Lord,

IN acknowledging the receipt of your Lordship's Despatches of the 30th December 1837 and 30th January 1838 (Nos. 5 and 18), I beg leave to express the great satisfaction it affords me to learn from your communications that the measures which were carried into effect during the revolt, and the conduct of the troops under my command, have met with the approbation of Her Majesty.

With reference to the parts of your Despatches which advert to the acts of violence committed at St. Benoit, and to the misrepresentations of the occurrences, after the dispersion of the rebels, that have appeared in several public journals, I think it necessary to describe more particularly the state of the counties of the Lake of the Two Mountains and Terrebonne, previously to the arrival of Her Majesty's troops, and the circumstances under which they took possession of St. Eustache and St. Benoit.

The systematic plans for corrupting the habitants in these counties, and preparing them for a change of government, had been so successfully persevered in for many years by certain influential persons in this district, that the well-disposed proprietors and merchants who attempted to expose their views were insulted, proscribed, and, in many instances, their cattle injured; when the projects, however, of the revolutionists were sufficiently matured, a more open and determined course was pursued. The loyalists, or old country men, were informed that if they did not declare themselves for the patriots, their property would be destroyed; and they were kept in a state of alarm by the frequent visits of bands of Canadians, who warned them to quit their farms, and leave the country.

Many of these unfortunate proscribed families were compelled to conceal themselves in the woods till they had an opportunity of effecting their escape; others assembled at some point where the old country men were in sufficient numbers to defend themselves.

During these proceedings armed parties of the rebels, organized by their respective captains, plundered the deserted farms; many of the sufferers of all classes fled to St. Martin's and to Montreal; but, on the evening on which the troops took possession of St. Eustache, the loyal inhabitants of that village and neighbourhood, anxious to return to their homes, and to protect the remainder of their property, followed the troops; and I believe it is not denied that the houses which were burnt, except those that were necessarily destroyed in driving the rebels from the fortified church, were set on fire by the loyalists of St. Eustache and Rivière du Chêne, who had been driven from the country in October and November.

The Royal regiment and the 32d and 83d regiments were employed, during the night of the 13th of December, in preventing the fire from spreading; and, with respect to the conduct of the troops, I am confident that not a rebel lost his life, or was injured, except during the defence of the houses and church; I heard, however, that so determined and excited were many of these deluded men, under the command of Chennier, they continued firing at our troops, even after the houses had been forced open and entered. Such instances of obstinacy and desperate conduct can only be accounted for by their having been kept constantly in a state of intoxication, and from the dread of their leaders that should they be made prisoners they would be tried and condemned. At St. Benoit 300 or 400 loyalists from St. Andrew's, having received arms a few hours before their march, entered the village about midnight, and occupied the church; and although Major Townshend, with part of the 24th, and Colonel Maitland, with the 32d, intended to remain in their quarters at St. Benoit, agreeably to their instructions, till after the march of the corps of volunteers on their return to Carillon, they were prevented by the fire which suddenly broke out from every part of the village, and which, they suppose, was effected by the

LOWER
CANADA.

No. 11.
Sir J. Colborne to
Lord Glenelg,
30 March 1838.

the inhabitants from the vicinity, whose property had been plundered by the rebels.
The Canadian population of Grand Brulé, Rivière du Chêne, St. Denis and St. Charles, have been for a long time in a state of excitement, and well prepared for a revolution; and the habitants generally are so ignorant and credulous, that it will require much labour and assiduous attention on the part of the educated classes and the priests, and years of tranquillity, to remove the spirit of discontent and hatred against the British Government, which at present prevails.

A magistrate, from whom I received a report yesterday from St. Denis, describes correctly, I believe, the feeling of the habitants of this district, by stating that "The people in this quarter are like a sea after a storm, ready to be agitated again by the first change of weather."

The whole country, however, is apparently tranquil and obedient; and when it is known that a large force will be stationed in these provinces, and that no assistance can be expected from the neighbouring states, the friends of order and good government may gradually acquire that influence which the factious party maintained exclusively for more than ten years.

Few of the Canadians on the frontier have availed themselves of the offer which has been made to them, permitting their return to the province without molestation. I transmit herewith copies of the correspondence which has taken place on that subject.

I also forward for your Lordship's information, extracts of General Orders, which were issued shortly after the commencement of the revolt; and I beg to mention, that in the affair of St. Charles, Colonel Wetherall informs me that there was no instance whatever of severity on the part of the troops under his command.

The loss of the rebels was necessarily great, from their having remained in an enclosed work till the troops charged into it.

I have, &c.
(signed) J. Colborne.

Encl. No 1, 19th
March 1838.
Encl. No. 2, 20th
March 1838.
Encl. No. 3, 24th
March 1838.
Encl. No. 4, 12th
December 1837.
Encl. No. 5, 28th
December 1837.

Enclosure 1, in No. 11.

Encl. 1, in No. 11. Sir, Montreal, 19 March 1838.
I BEG to thank you for your communication of the 13th and 15th instant, and for the interest which you have taken in the disposal of the deluded men wandering on the frontier.

I am fully aware of the great inconvenience and disadvantage that may result from having so near us an unemployed population ready for any mischief, and I shall be glad to act immediately on your suggestion, and to make arrangements for admitting all the French Canadians at present at Champlain or on the frontier who can be received with justice to the community.

With respect, however, to the settlers from the eastern townships residing at Troy and Derby, there appears much difficulty in sanctioning their return or any persons of that description.

The French Canadians who are desirous of returning home will be received by a magistrate at Odell Town, with a view of their being furnished with passports, if, on examination, they are not found to be very objectionable characters.

Brigadier-general Wool,
U. S. Army.
I have, &c.
(signed) J. Colborne.

Enclosure 2, in No. 11.

Encl. 2, in No. 11. Sir, Montreal, 20 March 1838.
I AM directed by his Excellency the Lieutenant general commanding to request that you will forward, with as little delay as possible, the enclosed letter to General Wool, of the United States Army, who is supposed to be at Champlain; it has reference to a number of French Canadians who have been hovering for some time on the frontier and have expressed, through General Wool, a desire to return to their homes.

As it is most desirable to remove from the frontier this restless assemblage, Sir John Colborne has acquainted General Wool that you, aided by Mr. Jobson, have instructions to receive any French Canadians at Odell Town; and if, after they are examined by you and Mr. Jobson

AFFAIRS OF LOWER CANADA, &c.

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Mr. Jobson, they are found not to be very objectionable characters, they will be furnished with passports to return to their respective homes, after they have taken the oath of allegiance to Her Majesty.

A report should, however, first be made by yourself and Mr. Jobson of the result of your examination, accompanied by a list of the persons whom you both recommend for his Excellency's clemency; and after the report has been submitted at head-quarters, his Excellency's pleasure will be promptly communicated to you.

Mr. Jobson has been directed to proceed forthwith to Odell Town.

Lieutenant-Colonel Odell,
Commanding at Odell Town.

I have, &c.
(signed) *W. P. Christie,*
Prov. Mil. Sec.

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CANADA.

No. 11.

Sir J. Colborne to
Lord Glenelg,
30 March 1838.

Encl. 2, in No. 11.

Enclosure 3, in No. 11.

Odell Town, 24 March 1838.

REPORT of the proceedings of an examination held by order of his Excellency Sir John Colborne, Commander of the Forces, &c. &c., upon certain individuals, refugees from this province, now in the village of Champlain, in the United States of America, and who had, through General Wool, of the United States army, requested permission to return into this country; accordingly we, the examiners, met at this place on Wednesday the 21st instant, and on Thursday the 22d waited upon General Wool at Champlain, in order to ascertain the number and condition of those individuals who had applied to him for such indulgence, when we found that not more than 18 or 20 persons had made such application; out of which number it was ascertained that four or more had already left, and found their way into Canada; two or three others, from fear of the consequences, declined presenting themselves, and a few others could not be found, supposed to have gone off into the country to endeavour to find some employment; so that only six remained, which number was on Friday the 23d sent in to our frontier post in Odell Town, under the charge of a Lieutenant Smith, A. D. C., to General Wool. They are,

Encl. 3, in No. 11.

Louis Dumas, } of La Colle; been absent about six weeks.
Xavier Dumas, }

Emilien Roy, } of L'Acadie; ditto about nine weeks.
Louis Regnier, }

Abram Bissette, of Delery; ditto about 10 weeks.

Louis Dupuis, of St. Edouard; ditto about 3 ½ months.

All of them, except Louis Dumas, were with the rebels at the Beech Ridge, and were all armed, a part at Alburg Springs and a part at Swanton, the evening previous to their entering the province. Xavier Dumas and E. Roy deserted from the rebel camp during the night and returned to Champlain, being convinced they were acting wrong; they are all married men with families except L. Dumas and Regnier, and all appear very penitent for their past conduct; are all willing to take the oath of allegiance, promise solemnly to remain peaceable subjects for the future, have all declared themselves perfectly sensible of their error; and as they are all men of no standing in the society to which they belong, and consequently of no influence, we respectfully beg leave to recommend them to the favourable consideration of his Excellency. In the meantime we have remanded them back to Champlain to await his Excellency's decision in their behalf. The whole, nevertheless, respectfully submitted.

(signed) *T. Jobson, J. P.*
Lewis Odell, Lieut.-Colonel.

Enclosure 4, in No. 11.

EXTRACT from a GENERAL ORDER, dated Head Quarters, Montreal, 12 Dec. 1837.

THE service upon which the troops have lately been engaged has been greatly facilitated by the spirited and unparalleled exertions of the volunteer corps of Montreal, some of which had only been embodied within the last fortnight; and his Excellency trusts that the same energy, forbearance, and discipline which has hitherto characterised the troops in general, will shortly put an end to the deplorable warfare in which they have been engaged.

Encl. 4, in No. 11.

(signed) *John Eden,*
Lieut.-Colonel, D. A. General.

Enclosure 5, in No. 11.

G. O.

Head Quarters, Montreal, 28 December 1837.

ALL persons unlawfully appropriating to themselves the property of any of Her Majesty's subjects, whether accused of treason or not, are to be immediately secured and committed to the common gaol of this district; and the Lieutenant-general commanding enjoins all magistrates and peace officers to be vigilant in giving immediate effect to this order, in which they will be aided and assisted by all officers in command of troops.

Encl. 5, in No. 11

By his Excellency's command,

(signed) *John Eden, Deputy Adjutant General.*

LOWER
CANADA.

No. 12.

Sir J. Colborne to
Lord Glenelg,
31 March 1838.

— No. 12. —

(No. 18.)

COPY of a DESPATCH from Lieutenant-General Sir *John Colborne*, G. C. B.,
to Lord *Glenelg*.

My Lord,

Government-house, Montreal, 31 March 1838.

I HAVE the honour to acknowledge the receipt of your Despatch of the 19th ultimo, (No. 28), transmitting an Act of Parliament, intituled "An Act to make temporary Provision for the Government of Lower Canada," and also Her Majesty's Instructions under Her Majesty's sign manual to constitute a special council for the affairs of Lower Canada: and I beg to acquaint your Lordship, that, in compliance with your directions, I have taken the earliest opportunity of causing this Act to be proclaimed. A copy of the Proclamation is annexed.

27 March 1838.

I probably may be enabled to assemble the special council about the middle of next month, with a view of proposing a law to be passed for the suspension of the Habeas Corpus Act, and such other laws as circumstances may render necessary for the good government and welfare of the Province before the arrival of the Governor-general.

With reference to the political opinions of the principal parties in the Province, your Lordship must be fully aware of the difficulty of selecting persons who will in every respect be deemed fit at this crisis to be appointed to the provisional council. I shall, however, lose no time in nominating 15 or 20 gentlemen of character and respectability, who have sufficient influence in their districts to warrant their being selected for this important office.

I have, &c.

J. Colborne.

Enclosure in No. 12.

Province of Lower Canada.

Colborne.

By his Excellency Lieutenant-general Sir John Colborne, Knight Grand Cross of the Most Honourable Military Order of the Bath and of the Royal Hanoverian Guelphic Order, Commander of Her Majesty's Forces in the Provinces of Lower Canada and Upper Canada, and Administrator of the Government of the said Province of Lower Canada, &c. &c. &c.

Encl. in No. 12.

To all to whom these presents shall come, greeting:—A Proclamation.

WHEREAS by the ninth chapter of the Statute of the Parliament of the United Kingdom of Great Britain and Ireland, intituled, "An Act to make temporary Provision for the Government of Lower Canada," passed in the first year of the reign of Our Sovereign Lady the Queen Victoria, it is among other things enacted, that the said Act shall be proclaimed by the Governor of the said province of Lower Canada, within the said province, and shall commence and take effect within the said province from the proclamation thereof: And whereas it is further enacted in and by the said Act of Parliament, that, for the purpose of that Act, any person authorized to execute the commission of Governor of the province of Lower Canada shall be taken to be the Governor thereof: And whereas I, the said Sir John Colborne, have been and am duly authorized and empowered by Our Sovereign Lady the Queen to execute the commission of Governor of the said province of Lower Canada;—Now therefore know ye that I, the said Sir John Colborne, being authorized to execute the commission of Governor within the said province, by virtue of the power and authority reposed in me by Her Majesty and of the said Act of the said Parliament, do, by this Proclamation, proclaim the said Act of the said Parliament of the United Kingdom of Great Britain and Ireland, so that the said Act of the said Parliament shall and may commence and take effect within the said province from the day of the date of these presents.

Given under my hand and seal at arms, at the Government-house, in the city of Montreal, in the province of Lower Canada, the 27th day of March, in the year of our Lord 1838, and in the first year of Her Majesty's Reign,

By his Excellency's command,

D. Daly, Secretary of the Province.

EXTRACT of a DESPATCH from Lieutenant-General Sir *John Colborne*, G. C. B. to Lord *Glenelg*; dated Government House, Montreal, 23d April 1838.

I HAVE the honour to acquaint you that I opened the session of the special council at the Government House of Montreal on the 18th instant.

You will perceive from the accompanying extract of the journal of the proceedings of the council, that 16 members were present; and that five were prevented from attending by the bad state of the roads in the district of Quebec. Mr. Smith of Stanstead, who was nominated to the council, having informed me that he is unable to accept the appointment which was offered to him, and as I think it desirable that another member should be selected from the eastern townships, I have directed a communication to be made to Mr. Thomas Austin, of Lennoxville, inviting him to replace that gentleman. The council at present consists of 21 members, 11 of them are French Canadians, and two others are natives of the province.

A copy of the rules to preserve order, sanctioned by me in council, is annexed, and also a statement of the Ordinances which I have already brought forward for consideration and adoption.

Enclosure No. 1.

Enclosure No. 2.

Enclosure No. 3.

Enclosure 1, in No. 13.

(Extract.)

ANNO 1^o VICTORIÆ REGINÆ.

AT a session of the special council begun and holden at the Government House in the city of Montreal, in pursuance of an Act passed in the Parliament of Great Britain, intituled, "An Act to make Temporary Provision for the Government of Lower Canada," Wednesday, 18th April 1838, the following gentlemen were sworn in by commissioners as special councillors, viz., James Cuthbert, Toussaint Pothier, James Stuart, Peter M'Gill, Barthelemi Joliette, Pierre De Rocheblave, John Neilson, Samuel Gerrard, Jules Quesnel, William P. Christie, William Walker, Joseph E. Faribault, John Molson, Etienne Mayrand, Paul H. Knowlton, Turton Penn, esquires.

Encl. 1, in No. 13.

The councillors having taken their seats, his Excellency Lieutenant-general Sir John Colborne, G. C. B. and G. C. H., Administrator of the government, entered the council chamber and took his seat at the head of the council table.

His Excellency laid before the council the following documents, which were read by the clerk, viz.

1st. His Excellency's proclamation promulgating the imperial statute, 1 Victoria, c. 9.

2d. The statute 1 Victoria, c. 9.

3d. His Excellency's proclamation assuming the government of Lower Canada.

4th. His Excellency's proclamation summoning the special council to meet on this day.

Prayers.

His Excellency laid before the council the rules and orders for its government.

His Excellency was also pleased to name the Honourable James Cuthbert to preside at the council table during His Excellency's absence.

His Excellency then withdrew.

The Honourable Mr. Cuthbert having taken the chair, the rules and orders laid before the council by his Excellency were read by the clerk, *seriatim*.

It was resolved, that the rules for regulating the proceedings of the council be translated into French, and that the rules, in the English and French languages, be printed for the use of the members of the council.

The council then adjourned until to-morrow at one o'clock.

Enclosure 2, in No. 13.

RULES and ORDERS for maintaining Order and Method in the Despatch of Business in Her Majesty's Special Council for the Affairs of *Lower Canada*, constituted by Her Majesty under and by Virtue of the Ninth Chapter of the Statute of the Parliament of the United Kingdom of *Great Britain and Ireland*, passed in the first Year of Her Reign.

No. 1.—Every session of the Special Council shall be convened by proclamation issued under the Great Seal of the province 21 days before the time fixed for such session. Encl. 2, in No. 13.

No. 2.—No member shall absent himself from Council without informing the Governor of the reasons of such absence.

LOWER
CANADA.

No. 13.

Sir J. Colborne to
Lord Glenelg,
23 April 1838.

Encl. 2, in No. 13.

No. 3.—His Excellency the Governor, or, in his absence the presiding member, shall preserve order, and shall decide on all disputed points of order.

No. 4.—As soon as five Special Councillors and the Governor, or, in his absence, the presiding member, shall be present, after the hour appointed for the meeting of the Council, the Governor, or in his absence, the presiding member, will take the chair; and prayers having been first read, the Governor, or in his absence, the presiding member, will direct the clerk, or in his necessary absence, the assistant clerk, to begin the proceedings of the day by reading the minutes of the last Council, which having been approved, are to be confirmed by the Governor, or in his absence, the presiding member.

No. 5.—No law or ordinance shall be made unless the same shall be first proposed by the Governor for adoption by the Council.

No. 6.—With the exception of questions of privilege, which shall take precedence of all others, and the presentation of petitions (hereinafter provided for), all business shall be taken in the order in which it appears on the "order-book," unless by permission of the Governor, on good reasons being shown for such deviation.

No. 7.—Every motion and amendment must be in writing, and must be seconded before it can be submitted to the Governor, or in his absence, to the presiding member.

No. 8.—No member shall be allowed to read any speech.

DISCUSSION.

No. 9.—If two or more members rise to speak at the same time, the Governor, or in his absence, the presiding member, shall call on the person entitled, in his opinion, to pre-
audience.

No. 10.—It shall be competent to any member to divide the Council upon any Bill or question, and upon such division taking place, as upon all similar occasions, the Council is to proceed to vote (beginning with the junior Councillor present), the clerk, or in his necessary absence, the assistant clerk, minuting the vote of each member; after which the Governor, or in his absence, the presiding member, shall declare which side has the majority. Every member present is required to give his vote on every division.

No. 11.—An adjournment of the discussion may be moved by any member; but such adjournment shall not take place unless approved by the Governor, or in case of his absence, it be so determined by a majority of the members present.

No. 12.—In discussing any question, no member shall be at liberty to speak more than once (except in explanation); provided, however, that the mover of any question be allowed the privilege of reply.

No. 13.—Every member shall, in discussing any question, address the chair, and shall stand while so doing; and should he wish to allude to the speech or opinion of any other member, he must do so without naming him. Official members may be designated by their appointment.

No. 14.—All imputations of improper motives shall be considered as highly disorderly, and such conduct shall be minuted, if it shall appear to the Governor, or in case of his absence, it be so determined by a majority of the members present to be necessary.

ORDINANCES.

No. 15.—On any law or ordinance being proposed by the Governor, the clerk, or in his necessary absence, the assistant clerk shall read the title and marginal notes thereof, but it shall be competent for any member to move that the law or ordinance be read at length, and if such motion be agreed to, the same shall be read accordingly.

No. 16.—Immediately after every law or ordinance shall be read a first time, any member may move that it be read a second time, which motion having been seconded and carried, such second reading shall be had on the next day of the meeting, unless some more remote day shall be appointed for the second reading of the same.

No. 17.—Upon the second reading of every law or ordinance, any member shall be at liberty to move an amendment of such law or ordinance, and upon the motion being seconded by some other member, the several provisions of such law or ordinance and proposed amendment shall be discussed, and such discussions may be adjourned from time to time, as occasion may require.

No. 18.—The Council having resumed its sitting, the law or ordinance may be read a third time on the motion of any member.

No. 19.—After a law or ordinance has been read a third time and passed, with the Governor's assent, it shall be fairly transcribed by the clerk, and signed by his Excellency and the Great Seal of the province shall be affixed thereto.

No. 20.—No alteration shall take place on the third reading of a law or ordinance, and the only question to be put by the Governor, if he shall see fit, shall be, "That this ordinance do now pass."

THE CLERK.

No. 21.—The clerk, or in his necessary absence, the assistant clerk, shall keep an order book, in which shall be entered and numbered in succession, the subjects intended to be brought under discussion at each sitting.

No. 22.—He shall read all matters brought before the Council, he shall keep a journal of proceedings, in which shall be entered in the order of succession, all subjects brought before

before the Council, and shall number the proceedings of each day, as of one general number.

No. 23.—He shall take care to have every law or ordinance written in a fine text hand before the third reading.

PETITIONS.

No. 24.—All petitions addressed to his Excellency the Governor, on laws and ordinances, before the Governor and Council (and no other shall be received), shall be presented immediately after the Governor, or in his absence, the presiding member, shall have taken the chair.

No. 25.—When any law or ordinance to which any such petition relates is under discussion, it shall be competent for any member to move that such petition be read, and then the question shall be put whether the petition be received.

No. 13.
Sir J. Colborne to
Lord Glenelg,
23 April 1838.
Encl. 2, in No. 13.

Enclosure 3, in No. 13.

A LIST of ORDINANCES proposed for the consideration of the Special Council.

No. 1.—An ordinance to declare and ascertain the period when the laws and ordinances made and passed by the Governor and Special Council of the province shall take effect. Encl. 3, in No. 13.

No. 2.—An ordinance to continue two certain Acts therein mentioned, relating to registry offices in the townships.

No. 3.—An ordinance to authorize the apprehending and detention of certain persons, and to suspend for a limited time as to such persons a certain ordinance therein mentioned.

No. 4.—An ordinance to continue a certain Act therein mentioned, relating to the transportation of convicts.

No. 5.—An ordinance to continue a certain Act therein mentioned, relating to lessors and lessees.

No. 6.—An ordinance for indemnifying persons who, since a certain date, have acted in apprehending, &c. persons suspected of high treason or treasonable practices, &c. &c.

No. 7.—An ordinance to continue a certain Act therein mentioned, providing a fund for sick emigrants.

No. 8.—An ordinance to continue a certain Act therein mentioned, for recovering seamen's wages.

No. 9.—An ordinance to continue a certain Act therein mentioned, for ascertaining the damages on protested bills of exchange.

No. 10.—An ordinance authorizing the repayment out of the monies in the hands of the Receiver-general of this province, of certain sums advanced from the Imperial treasury.

No. 11.—An ordinance to authorize the appointment of commissioners to investigate the claims of certain loyal inhabitants of this province for losses sustained during the late unnatural rebellion.

— No. 14. —

(No. 30.)

COPY of a DESPATCH from Lieutenant-General Sir *John Colborne*, G.C.B. to
Lord *Glenelg*.

My Lord,

Government-House, Montreal,
24 April 1838.

No. 14.
Sir J. Colborne to
Lord Glenelg,
24 April 1838.

I HAVE the honour to transmit herewith copies of two ordinances passed by the Special Council for the affairs of this province, viz.

"An Ordinance to declare and ascertain the period when the Laws and Ordinances made and passed by the Governor, or Person authorized to execute the Commission of Governor and Special Council of this Province shall take effect;" and,

"An Ordinance to authorize the apprehending and detention of Persons charged with High Treason, suspicion of High Treason, Misprision of High Treason, and Treasonable Practices, and to suspend for a limited time, as to such persons, a certain Ordinance therein mentioned."

I also forward for your Lordship's information a list, which I directed to be prepared, of the temporary Acts of the Legislature of Lower Canada, which have expired since the 1st of May 1832, inclusive, or may expire before the 1st of May 1840.

I have, &c.
(signed) *J. Colborne*.

Enclosure No. 1.

Enclosure No. 2.

Enclosure No. 3.

LOWER
CANADA.

No. 14.

Sir J. Colborne to
Lord Glenelg,
24 April 1838.

Enclosure 1, in No. 14.

Anno Primo VICTORIÆ REGINÆ.

Cap. 1.—AN ORDINANCE to declare and ascertain the period when the Laws and Ordinances made and passed by the Governor, or Person authorized to execute the Commission of Governor and Special Council of this Province, shall take effect.

Encl. 1, in No. 14. WHEREAS it is expedient that the period from which the laws or ordinances of the Governor, or person authorized to execute the commission of Governor and Special Council for the affairs of this province, are to have operation and effect, should be declared and ascertained; be it therefore ordained and enacted by his Excellency the administrator of the government of this province, authorized to execute the commission of the Governor thereof, by and with the advice and consent of the Special Council for the affairs of the said Province of Lower Canada, constituted and assembled by virtue of and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the reign of Her present Majesty, intituled, "An Act to make temporary provision for the Government of Lower Canada," and it is hereby ordained, and enacted by the authority of the same, that the clerk of the Special Council for the affairs of this province, or, in his necessary absence, the assistant clerk of the said Special Council, shall, on every law or ordinance which shall hereafter pass or be made by the Governor, or person authorized to execute the commission of Governor of this province, with the advice and consent of the Special Council for the affairs of this province, state under his signature, as such clerk, or assistant clerk, immediately after the signature of the Governor, or person authorized as aforesaid, the day, month and year when the same shall have passed, and shall have been assented to by the Governor, or person authorized to execute the commission of Governor of the said province, and shall have had the Great Seal of the said province affixed; and such statement, under such signature, shall be taken to be a part of every such law or ordinance, and the day, month and year in such statement mentioned, shall be the date of its commencement, when no other period of commencement shall be declared or provided in and by such law or ordinance.

J. Colborne.

Ordained and enacted by the authority aforesaid, and passed in Special Council, under the Great Seal of the province, at the Government-house, in the city of Montreal, the 23d day of April, in the first year of the reign of our Sovereign Lady Victoria, by the grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, in the year of our Lord 1838.

By his Excellency's command,

Wm. B. Lindsay, Clerk Special Council.

Enclosure 2, in No. 14.

Anno Primo VICTORIÆ REGINÆ.

Cap. 2.—AN ORDINANCE to authorize the apprehending and detention of Persons charged with High Treason, Suspicion of High Treason, Misprision of High Treason, and Treasonable Practices, and to suspend for a limited time, as to such persons, a certain Ordinance therein mentioned.

Encl. 2, in No. 14. WHEREAS divers persons charged with high treason, suspicion of high treason, misprision of high treason, and treasonable practices, are detained in prison, or in custody in this province, and it is highly expedient and necessary that means should be provided for the more easily apprehending, and more secure detention, of such persons for a limited time, and of others who may be suspected or charged with such crimes. Therefore, for the better preservation of the peace, and of the laws and liberties of this province;

Be it ordained and enacted by his Excellency the Administrator of the Government of this province, authorised to execute the Commission of the Governor thereof, by and with the advice and consent of the Special Council for the affairs of the said province, constituted and assembled, by virtue of and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the reign of Her present Majesty, intituled "An Act to make temporary provision for the Government of Lower Canada;" and it is hereby ordained and enacted by the authority of the same, that all or any person or persons that are or shall be in prison or otherwise in custody in this province, at or upon the day of the making and passing of this Ordinance, or after, by any warrant for high treason, suspicion of high treason, misprision of high treason, or treasonable practices, may be detained in safe custody, without bail or mainprize, during the continuance of this ordinance; and that no judge or justice of peace shall, during such continuance, bail or try any person or persons so committed, without an order from the Governor or person administering the government of this province, by and with the advice and consent of the Executive

tive Council of the said province, any law, ordinance, or statute to the contrary notwithstanding.

And be it further enacted by the authority aforesaid, that the ordinance of the Governor-in-Chief of this province, made and passed by and with the advice and consent of the Legislative Council of the said province, in the 24th year of the reign of His late Majesty King George the Third, intituled “ An Ordinance for securing the Liberty of the Subject, and for the prevention of Imprisonment out of this Province ;” in so far as the same may be construed to relate to cases of high treason, suspicion of high treason, misprision of high treason, and treasonable practices, be suspended until the 24th day of August next, and that until the said day, no judge, justice of peace, or other officer of the law in this province, shall liberate, try or admit to bail any person or persons that is, are, or shall be in prison, committed or in custody within the said province, for such causes as aforesaid, without an order from the Governor or person administering the government of the said province ; provided always, that from and after the said 24th day of August next, the said persons so committed shall have the benefit and advantage of all laws, ordinances and statutes any way relating to or providing for the liberty of Her Majesty’s subjects in this province ; and that this present ordinance shall continue unto the said 24th day of August next, and no longer.

J. Colborne.

Ordained and enacted by the authority aforesaid, and passed in Special Council, under the great seal of the province, at the Government House, in the city of Montreal, the 23d day of April, in the first year of the reign of Our Sovereign Lady Victoria, by the Grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, in the year of our Lord 1838.

By his Excellency’s command,

Wm. B. Lindsay, Clerk Special Council.

Enclosure 3, in No. 14.

TEMPORARY ACTS of the Legislature of Lower Canada, which have expired since Encl. 3, in No. 14. 1st May 1832, inclusive, or may expire before 1st May 1840.

Enacted.		Duration.
52 Geo. 3, c. 20 -	Act to grant to Alexis Gosselin a Right of Toll over the Bridge erected on the River Boyer - - - - -	1 May 1837. Expired.
57 Geo. 3, c. 10	Act to provide temporary Houses of Correction ; amended by 58 Geo. 3, c. 14. Both these Acts continued several times, and lastly by 5 Geo. 4, c. 10, expired. This last revived, continued, and amended by 9 Geo. 4, c. 4, which, together with the 57 Geo. 3, c. 10, and the 58 Geo. 3, c. 14, have been continued by 2 Will. 4, c. 5, till - - -	1 May 1835. Expired.
58 Geo. 3, c. 2 - -	The Act 3 Geo. 4, c. 32, extends the provisions of the 57 Geo. 3, c. 10, to the town of Three Rivers. Act to provide more effectually for the Security of the Cities of Quebec and Montreal, by establishing Watch and Night Lights in the said Cities, and for other purposes, and which provides the means for defraying the expenses thereof ; continued by 1 G. 4, c. 11, 3 G. 4, c. 5 ; continued and amended by 3 Geo. 4, c. 6. This last Act repeals sections 8 & 11 of the 58 Geo. 3 ; continued and amended by 5 Geo. 4, c. 1 ; continued and amended together with the last by 7 Geo. 4, c. 12 ; continued by 1 Will. 4, c. 34, and by 4 Will. 4, c. 9	1 May 1836. Expired.

LOWER CANADA.	Enacted.		Duration.
No. 14. Sir J. Colborne to Lord Glenelg, 24 April 1838. Encl. 3, in No. 14.			
	1 Geo. 4, c. 25	- Act to incorporate certain persons therein named, under the name of President, Directors, and Company of the Bank of Montreal; continued and amended by 10 & 11 Geo. 4, c. 6, till - -	1 June 1837. Expired.
	1 Geo. 4, c. 26	- Act for the Incorporation of certain persons therein mentioned, under the Name of the Quebec Bank; continued and amended by 1 Will. 4, c. 13, which is continued by 6 Will. 4, c. 28	1 June 1837. Expired.
	2 Geo. 4, c. 5 -	- Act to extend the provisions of a certain Act therein mentioned, as far as the same relates to the Judicature in the Inferior District of Gaspé, and more effectually to provide for the due Administration of Justice in the said District; amended by 4 Geo. 4, c. 7; both continued and amended by 6 Geo. 4, c. 25; all three continued by 10 & 11 Geo. 4, c. 51; the two first continued, and the 6 Geo. 4, c. 25, amended and continued by 2 Will. 4, c. 50, and by 4 Will. 4, c. 9, and continued by 6 Will. 4, c. 54 - -	1 May 1839.
	3 Geo. 4, c. 16	- Act to provide for the Inspection of Fish and Oil intended for Exportation from the ports of Quebec and Montreal. The provisions of this Act extended by 4 Geo. 4, c. 23; both continued by 5 Geo. 4, c. 18, and 7 Geo. 4, c. 16; expired; revived and continued, together with the 4 Geo. 4, c. 23, by 2 Will. 4, c. 4, and continued by 4 Will. 4, c. 9 -	1 May 1836. Expired.
	3 Geo. 4, c. 17	- Act to erect certain Townships therein mentioned into an Inferior District, to be called the Inferior District of St. Francis, and to establish Courts of Judicature therein; continued and amended by 6 Geo. 4, c. 26; continued by 9 Geo. 4, c. 49, 10 & 11 Geo. 4, c. 7, 1 Will. 4, c. 34; continued and amended by 3 Will. 4, c. 18 - - - - -	- - 1 May 1837, and from thence till the end of the next session of the Provincial Parliament.
	3 Geo. 4, c. 32	- Act to extend certain provisions contained in an Act passed in the 57th year of the reign of His late Majesty, intituled, "An Act to provide temporary Houses of Correction in the several Districts of this Province;" continued by 5 Geo. 4, c. 10, expired; revived by 9 Geo. 4, c. 4; continued by 2 Will. 4, c. 5, till - - - -	May 1835. Expired.
	4 Geo. 4, c. 2 -	- Act to repeal a certain Act therein mentioned, and to provide for the Police of the Borough of William Henry and certain other Villages in this Province; continued by 6 Geo. 4, c. 27; continued and amended by 10 & 11 Geo. 4, c. 37, and by 2 Will. 4, c. 5; expired; revived and amended by 6 Will. 4, c. 46 - - - - -	May 1840.
	4 Geo. 4, c. 3	- Act to authorize the erecting of a Common Gaol in the Inferior District of St. Francis, and for providing the means of defraying the Expenses thereof, and for other purposes - - The rates and duties imposed by this Act shall be levied during 15 years; 5 Geo. 4, c. 26, has relation to it.	May 1839.

AFFAIRS OF LOWER CANADA, &c.

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Enacted.		Duration.	LOWER CANADA. No. 14. Sir J. Colborne to Lord Glenelg, 24 April 1838. Encl. 3, in No. 14.
4 Geo. 4, c. 15	Act to render valid certain Acts, Agree- ments in writing, and Contracts of Marriage, heretofore executed in the Inferior District of Gaspé, and to pro- vide for the want of Notaries in the said Inferior District. The 10th clause of this Act is temporary; continued by 7 Geo. 4, c. 1, 9 Geo. 4, c. 55, and by 2 Will. 4, c. 5; expired; revived and amended by 6 Will. 4, c. 52 - - -	May 1840.	
5 Geo. 4, c. 3 -	Act to make certain Alterations in the Road Laws; continued by 9 Geo. 4, c. 34, to - - - - -	1 May 1833. Expired.	
6 Geo. 4, c. 6 -	Act to amend an Ordinance made and passed in the 25th year of His late Majesty's reign, intituled, "An Ordi- nance concerning Advocates, Attor- nies, Solicitors, and Notaries, and for the more easy collection of His Ma- jesty's Revenue" - - - - -	1 May 1832. Expired.	
7 Geo. 4, c. 3 -	Act more effectually to provide for the maintenance of good order in Churches, Chapels, and other Places of Public Worship, and for other purposes there- in mentioned; continued by 10 & 11 Geo. 4, c. 21, by 4 Will. 4, c. 9, and by 6 Will. 4, c. 32 - - - - -	1 May 1840.	
7 Geo. 4, c. 11	Act to provide Regulations concerning the Beaches and Landing-places in Quebec; continued by 9 Geo. 4, c. 35; amended and continued by 2 Will. 4, c. 9, and by 4 Will. 4, c. 9 - - -	1 May 1836. Expired.	
9 Geo. 4, c. 3 -	Act to exempt from Seizure in satisfaction of Judgment, the Bedding and neces- sary Wearing Apparel of Debtors; continued by 3 Will. 4, c. 11 - - -	1 May 1837. Expired.	
9 Geo. 4, c. 8 -	Act to authorize the Prothonotaries or Clerks of the Civil Courts of this Pro- vince to number and authenticate (<i>parapher</i>) the Registers of Baptisms, Marriages, and Burials required by Law to be kept; to receive the advice of relations and friends (" <i>l'avis des parens et amis</i> ,"") in certain cases, and to issue writs of <i>capias ad respondendum</i> and attachment without the <i>fiat</i> of a Judge - - - - -	1 May 1833. Expired.	
9 Geo. 4, c. 11	Act for the better Regulation of the Lumber Trade; amended by 2 Will. 4, c. 25, and continued to - - - - -	1 May 1834. Expired.	
9 Geo. 4, c. 16	Act to increase the number of Assessors for the Cities of Quebec and Montreal; continued by 1 Will. 4, c. 34, by 4 Will. 4, c. 9, and by 6 Will. 4, c. 32	1 May 1840.	
9 Geo. 4, c. 17	Act to appropriate certain Sums of Money towards the Macadamizing and Improving certain Roads near Quebec, and to lay out certain new Roads - -	1 May 1832. Expired.	
9 Geo. 4, c. 20	Act to provide for the more effectual Extinction of Secret Incumbrances on Lands, than was heretofore in use in this Province; continued by 4 Will. 4, c. 9, and by 6 Will. 4, c. 32 - - -	1 May 1840.	
9 Geo. 4, c. 27	Act to prevent fraudulent Debtors evading their Creditors in certain parts of this Province; expired. Revived by 3 Will. 4, c. 8, and continued by 6 Will. 4, c. 32 - - - - -	1 May 1840.	

(continued)

LOWER CANADA.	Enacted.		Duration.
No. 14.			
Sir J. Colborne to Lord Glenelg, 24 April 1838.	9 Geo. 4, c. 28	- Act to facilitate the Proceedings against the Estates and Effects of Debtors in certain cases ; continued by 3 Will. 4, c. 3, and by 6 Will. 4, c. 32 - - -	1 May 1840.
Encl. 3, in No. 14.	9 Geo. 4, c. 33	- Act for regulating the Fees of Grand Voyers, and the Costs of Proceedings relating to <i>Procès Verbaux</i> - - -	1 May 1833. Expired.
	9 Geo. 4, c. 36	- Act to suspend, for a limited time, certain Acts therein mentioned, and to regulate in a better manner the Inspection of Pot and Pearl Ashes ; continued by 2 Will. 4, c. 10 - - -	1 May 1836. Expired.
	9 Geo. 4, c. 51	- Act for the Preservation of the Salmon Fisheries in the Counties of Cornwallis and Northumberland ; continued by 1 Will. 4, c. 34, by 4 Will. 4, c. 9, and by 6 Will. 4, c. 32 - - -	1 May 1840.
	9 Geo. 4, c. 52	- Act towards encouraging the Fisheries -	1 May 1832. Expired.
	9 Geo. 4, c. 57	- Act to suspend for a limited time, certain Ordinances therein mentioned, as far as the same relate to the City of Montreal, and to establish a Society therein for preventing Accidents by Fire ; as amended by 1 Will. 4, c. 30 - - -	1 May 1834. Expired.
	10 & 11 Geo. 4, c. 3	- Act to provide for the better Defence of the Province, and to regulate the Militia thereof ; continued by 2 Will. 4, c. 55, by 4 Will. 4, c. 9, and by 6 Will. 4, c. 43 - - -	1 May 1838.
	10 & 11 Geo. 4, c. 4	- Act to restrain all Persons from undermining the Cliffs on which the Fortifications of Quebec are constructed -	1 May 1833. Expired.
	10 & 11 Geo. 4, c. 8	- Act to establish Registry Offices in the Counties of Drummond, Sherbrooke, Stanstead, Shefford, and Missisquoi ; amended by 1 Will. 4, c. 3 - - -	1 May 1838.
	10 & 11 Geo. 4, c. 8	- Second Section altered by 2 Will. 4, c. 7 ; (expired). Provisions extended by 4 Will. 4, c. 5 - - -	1 May 1838.
	10 & 11 Geo. 4, c. 9	- Act to authorize the expenditure of a certain Sum of Money, and to grant certain powers to the Commissioners of the Lachine Canal. Revived and continued by 2 Will. 4, c. 23, to - (The permanent Act 6 Will. 4, c. 22, supersedes this, except as to the modes of settling certain disputes between Commissioners and persons interested. The other Acts relating to said Canal are either superseded by said Act, or are permanent, except in as far as the object of each is accomplished.)	1 May 1835. Expired.
	10 & 11 Geo. 4, c. 16	- Act to amend an Act passed in the 34th year of the reign of his Majesty George the Third, intituled, " An Act for the division of the Province of Lower Canada, to amend the Judicature thereof, and to repeal certain Laws therein mentioned, inasmuch as the same relate to the Courts of Criminal Jurisdiction ;" continued by 3 Will. 4, c. 3, and by 6 Will. 4, c. 32 - - -	1 May 1840.
	1 Will. 4, c. 2	- Act to facilitate the administration of Justice respecting <i>Enquêtes</i> in civil matters before the Court of King's Bench for the Districts of Quebec, Montreal, Three Rivers, and for the Inferior District of St. Francis ; continued by 2 Will. 4, c. 6, by 4 Will. 4, c. 9, and by 6 Will. 4, c. 32 - - -	1 May 1840.

AFFAIRS OF LOWER CANADA, &c.

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Enacted.	---	Duration.	LOWER CANADA. No. 14.
1 Will. 4, c. 4 - -	Act to exempt from Seizure in satisfaction of Judgment certain articles therein mentioned; continued by 3 Will. 4, c. 11 - - - - -	1 May 1837. Expired.	Sir J. Colborne to Lord Glenelg, 24 April 1838. Encl. 3, in No. 14.
1 Will. 4, c. 6 - -	Act to encourage the Destruction of Wolves; continued by 3 Will. 4, c. 3, and by 6 Will. 4, c. 32 - - -	1 May 1840.	
1 Will. 4, c. 11 -	Act to authorize the Commissioners appointed under a certain Act passed in the 11th year of the Reign of His late Majesty, intituled, "An Act to provide for the Improvement and Enlargement of the Harbour of Montreal," to borrow an additional sum of money, and for other purposes therein mentioned. Section 4 limits the duration of the powers of the Commissioners; continued by 3 Will. 4, c. 3 - - -	1 May 1835. Expired.	
1 Will. 4, c. 27 -	Act to repeal a certain Act or Ordinance therein mentioned, and to provide effectual regulations concerning the practice of Physic, Surgery and Midwifery - - - - -	1 May 1837. Expired.	
1 Will. 4, c. 28 -	Act to suspend certain parts of an Ordinance therein mentioned, intituled, "An Ordinance for regulating the Markets of the towns of Quebec and Montreal, in the Province of Quebec;" continued by 6 Will. 4, c. 32 - - -	1 May 1840.	
1 Will. 4, c. 52 -	Act to incorporate the City of Quebec, amended by 3 Will. 4, c. 6 - - -	} 1 May 1836 } Expired. 1 May 1836 }	
1 Will. 4, c. 54 -	Act to incorporate the City of Montreal - - -		
2 Will. 4, c. 8 -	Act to make better provision with regard to Appeals from the Provincial Court of the Inferior District of St. Francis, to establish Circuits therein, and to extend the benefits of Trial by Jury to the said Inferior District - - -	} - - 1 May 1837, and thence till the end of the next Session of the Provincial Parliament.	
2 Will. 4, c. 16 -	Act to establish Boards of Health within this Province, and to enforce an effectual system of Quarantine - - -		
2 Will. 4, c. 17 -	Act to create a fund for defraying the expense of Medical Assistance for Sick Emigrants, and of enabling Indigent Persons of that description to proceed to their Place of Destination;" continued by 6 Will. 4, c. 13 - - -	1 Feb. 1833. Expired.	
2 Will. 4, c. 21 -	Act to repeal an Ordinance therein mentioned, and to provide more ample regulations respecting Land Surveyors, and the Admeasurement of Lands - - -	1 May 1838.	
2 Will. 4, c. 22 -	Act to regulate the Qualification and Summoning of Jurors in Civil and Criminal Matters - - - - -	1 May 1840.	
2 Will. 4, c. 24 -	Act to repeal in part certain Acts therein mentioned, and to establish and incorporate a Trinity House in the City of Montreal - - - - -	1 May 1835. Expired.	
2 Will. 4, c. 26 -	Act to repeal certain Acts therein mentioned, and for the further encouragement of Elementary Schools in the country parts of this Province; amended by 3 Will. 4, c. 4, and continued by 4 Will. 4, c. 9 - - -	1 May 1837. Expired.	
2 Will. 4, c. 32 -	Act to compel Wharfingers and others to advertise Unclaimed Goods in their possession; continued by Will. 4, c. 9, and by 6 Will. 4, c. 32 - - -	1 May 1836. Expired.	
		1 May 1840.	

(continued)

LOWER CANADA.			Duration
	Enacted.		
No. 14. Sir J. Colborne to Lord Glenelg, 24 April 1838. Encl. 3, in No. 14.	2 Will. 4, c. 33	- Act to repeal a certain Act therein mentioned, and to provide for the more certain and expeditious Distribution of the Printed Acts of the Legislature of this Province ; continued by 6 Will. 4, c. 32 - - - - -	1 May 1840.
	2 Will. 4, c. 37	- Act to suspend for a limited time certain Ordinances therein mentioned, as far as the same relate to the City of Quebec, and to establish a Society therein for preventing Accidents by Fire -	1 May 1834. Expired.
	2 Will. 4, c. 42	- Act to authorize the appointing of Courts of Inquiry for investigating the Qualification of Militia Officers in certain cases ; continued by 4 Will. 4, c. 9, and by 6 Will. 4, c. 43 - - -	1 May 1836.
	2 Will. 4, c. 44	- Act to amend the Act passed in the 36th year of His Majesty King George the Third, intituled, " An Act for making, altering and repairing the Highways and Bridges in this Province, and for other purposes," and to make further Regulations concerning Roads and Bridges - - - -	1 May 1835. Expired.
	2 Will. 4, c. 53	- Act for the protection of Copyrights -	1 May 1840.
	2 Will. 4, c. 59	- Act to encourage the establishment of Banks for Savings in this Province -	1 May 1837. Expired.
	2 Will. 4, c. 66	- Act to authorize the erection of Court Houses and Gaols in the Counties of this Province, and for other purposes therein mentioned ; amended by 4 Will. 4, 8 - - - - -	1 May 1840.
	3 Will. 4, c. 1	- Act to regulate the exercise of certain rights of Lessors and Lessees - -	1 May 1838.
	3 Will. 4, c. 14	- Act further to suspend certain parts of an Act or Ordinance therein mentioned, and to consolidate and further to continue for a time, the provisions of two other Acts therein mentioned for more effectually ascertaining the damages on protested Bills of Exchange, and for terminating Disputes relating thereto, and for other purposes - - - - -	1 May 1838.
	3 Will. 4, c. 25	- Act to establish a Fire Society in the Borough of Three Rivers, and to suspend two certain Ordinances as far as they relate to the said Borough -	1 May 1838.
	3 Will. 4, c. 32	- Act to incorporate certain persons therein mentioned, under the name of the " City Bank," to be established in Montreal - - - - -	1 May 1837. Expired.
	4 Will. 4, c. 7.	- Act to make more ample provision for the Encouragement of Agriculture -	1 May 1840.
	4 Will. 4, c. 25	- Act to make provision for indemnifying Pilots while detained in Quarantine ; continued by 6 Will. 4, c. 32 - - -	1 May 1840.
	4 Will. 4, c. 28	- Act to regulate the manner of proceeding upon Contested Elections of Members to serve in the House of Assembly, and to repeal certain Acts therein mentioned ; disallowed by Proclamation, 9 February 1837. The former Acts had been continued by 4 Will. 4, c. 9, to	1 May 1836. Expired.
	4 Will. 4, c. 33	- Act to authorize the establishment of Mutual Fire Insurance Companies ; continued and amended by 6 Will. 4, c. 33 - - - - -	} - The end of the Session of the P. Parlt. next after 1 May 1839.
	4 Will. 4, c. 1	- Act for the transportation of certain Offenders from this Province to England, to be thence again transported to New South Wales or Van Diemen's Land -	

AFFAIRS OF LOWER CANADA, &c.

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Enacted.		Duration.	LOWER CANADA. No. 14. Sir J. Colborne to Lord Glenelg, 24 April 1838. Encl. 3, in No. 14.
6 Will. 4, c. 2	-	Act to grant an allowance to the Members of the Assembly - - -	- - End of the present Parliament.
6 Will. 4, c. 5	-	Act to authorize the Sale and Disposal of certain Goods unclaimed and remaining in the possession of the Clerks of the Peace in this Province - -	1 May 1840.
6 Will. 4, c. 8	-	Act to appoint Commissioners to treat with Commissioners appointed or to be appointed, on the part of the Province of Upper Canada, for the purpose therein mentioned - - -	1 May 1838.
6 Will. 4, c. 9	-	Act to prevent Debtors from wasting or diminishing the Value of the Immoveable Property under seizure, to the injury of their Creditors - - -	1 May 1839.
6 Will. 4, c. 12	-	Act to provide for the establishment of Normal Schools - - -	- 5 and 3 years for certain allowances.
6 Will. 4, c. 14	-	Act for the further regulation of Taverns and Tavern-Keepers, and for other purposes therewith connected - -	1 May 1838.
6 Will. 4, c. 15	-	Act for making certain Regulations respecting the Office of Sheriff - -	1 May 1840.
6 Will. 4, c. 16	-	Act for the qualification of the Justices of the Peace - - -	1 May 1840.
6 Will. 4, c. 19	-	Act to regulate the Fees of persons employed by Justices of the Peace in the Country Parishes as Clerks or Bailiffs, in certain cases - - -	1 May 1840.
6 Will. 4, c. 24	-	Act to regulate and establish the Salaries of the Officers of the Customs at the Inland Ports in this Province, and for other purposes therein mentioned -	1 May 1840.
6 Will. 4, c. 26	-	Act to prevent the fraudulent Seizure and Sale of Lands and other Real Property within this Province - - -	1 May 1840.
6 Will. 4, c. 27	-	Act for the more easy and less expensive decision of differences between Masters and Mistresses, and their Servants, Apprentices, and Labourers in the Country parts of this Province - - -	1 May 1840.
6 Will. 4, c. 28	-	Act to provide less expensive means for the Recovery of Wages due to Seamen of Vessels belonging to or registered in this Province - - -	1 May 1838.
6 Will. 4, c. 34	-	Act to repeal certain Acts therein mentioned, and to consolidate the Provisions therein made for the Encouragement of useful Arts in this Province -	1 May 1840.
6 Will. 4, c. 35	-	Act to provide for the Medical Treatment of Sick Mariners - - -	1 May 1840.
6 Will. 4, c. 36	-	Act to regulate the Measurement of Coals	1 May 1840.
6 Will. 4, c. 57	-	Act for the better Regulation of the Fisheries in the Inferior District of Gaspé	1 May 1840.

N. B.—This list does not include temporary Acts of appropriation for charitable or other purposes, nor certain Acts (as that for the encouragement of education) in which, though the enactments are permanent, they can have no effect for want of the appropriations, which were temporary.

House of Assembly, Quebec,
31 March 1838.

LOWER
CANADA.

No. 15.

Sir J. Colborne to
Lord Glenelg,
27 April 1838.

— No. 15. —

(No. 34.)

COPY of a DESPATCH from Lieutenant-General Sir *John Colborne*, G. C. B.,
to Lord *Glenelg*.

My Lord,

Government House, Montreal,
27 April 1838.

I HAVE the honour to acquaint you, that, in consequence of the continued tranquil state of the province, I have this day issued, with the advice of the Executive Council, a proclamation revoking martial law in the district of Montreal.

I have, &c.
(signed) *J. Colborne*.

— No. 16. —

No. 16.

Sir J. Colborne to
Lord Glenelg,
30 April 1838.

(No. 36.)

COPY of a DESPATCH from Lieutenant-General Sir *John Colborne*, G. C. B.,
to Lord *Glenelg*.

My Lord,

Government House, Montreal, 30 April 1838.

I HAVE the honour to transmit for your Lordship's information, copies of several ordinances passed by the Special Council since the date of my Despatch, No. 30; viz.

Enclosure No. 1.

No. 3.—An Ordinance to continue a certain Act therein mentioned, making provision for the assistance of sick and indigent emigrants.

Enclosure No. 2.

No. 4.—An Ordinance to continue certain Acts of the Legislature of this Province relating to the establishment of registry offices.

Enclosure No. 3.

No. 5.—An Ordinance to continue a certain Act, intituled, "An Act to regulate the exercise of certain Rights of Lessors and Lessees."

Enclosure No. 4.

No. 6.—An Ordinance to continue a certain Act therein mentioned, intituled, "An Act to provide less expensive means for the Recovery of Wages due to Seamen of Vessels belonging to or registered in this Province."

Enclosure No. 5.

No. 7.—An Ordinance to authorize the appointment of Commissioners to investigate the claims of certain loyal inhabitants of this Province, for losses sustained during the late unnatural rebellion.

Enclosure No. 6.

No. 8.—An Ordinance to continue a certain Act therein mentioned, intituled, "An Act for the Transportation of certain Offenders from this Province to England, to be thence again transported to New South Wales or Van Diemen's Land."

Enclosure No. 7.

No. 9.—An Ordinance to continue a certain Act therein mentioned, relating to protested bills of exchange.

Enclosure No. 8.

No. 10.—An Ordinance for indemnifying persons who, since the 1st of October 1837, have acted in apprehending, imprisoning, or detaining in custody persons suspected of high treason or treasonable practices, and in the suppression of unlawful assemblies, and for other purposes therein mentioned.

Enclosure No. 9.

No. 11.—An Ordinance authorizing the repayment, out of the monies in the hands of the Receiver-general of this province, of certain sums advanced from the Imperial Treasury.

Enclosure No. 10.

No. 12.—An Ordinance to make provision for defraying the civil expenditure of the Provincial Government, from the 1st of April 1837 to the 10th of April 1838.

Enclosure No. 11.

No. 13.—An Ordinance to continue for a limited time certain Acts of the Legislature of this Province, relative to the district of St. Francis.

I have, &c.
(signed) *J. Colborne*

Enclosure 1, in No. 16.

Anno Primo VICTORIÆ REGINÆ.

Cap. 3.—AN ORDINANCE to continue a certain Act therein mentioned, making Provision for the Assistance of Sick and Indigent Emigrants.

WHEREAS it is expedient to continue a certain Act of the Legislature of the province of Lower Canada, passed in the second year of the reign of his late Majesty King William the Fourth, intituled, "An Act to create a Fund for defraying the Expense of providing Medical Assistance for Sick Emigrants, and of enabling Indigent Persons of that description to proceed to the place of their destination," which was continued by the Act of the Legislature of the said province, made and passed in the sixth year of the reign of his said late Majesty King William the Fourth, intituled, "An Act to continue for a limited time an Act passed in the Second Year of his Majesty's reign, intituled, 'An Act to create a Fund to defray the Expense of providing Medical Assistance for Sick Emigrants, and of enabling Indigent Persons of that description to proceed to their place of destination,'" and which would otherwise expire on the 1st day of May, in the year 1838: Be it therefore ordained and enacted by his Excellency the administrator of the government of this province, authorized to execute the commission of the Governor thereof, with the advice and consent of the Special Council for the affairs of the said province, constituted and assembled by virtue and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the reign of Her present Majesty, intituled, "An Act to make Temporary Provision for the Government of Lower Canada," and it is hereby ordained and enacted by the authority of the same, that the said Act of the Legislature of the said province, passed in the second year of the reign of his late Majesty King William the Fourth, intituled, "An Act to create a Fund to defray the Expense of providing Medical Assistance for Sick Emigrants, and of enabling Indigent Persons of that description to proceed to their place of Destination," which would otherwise expire on the 1st day of May now next ensuing, shall continue to be in force until the 1st day of May in the year 1839, and no longer.

J. Colborne.

Ordained and enacted by the authority aforesaid, and passed in special council, under the great seal of the province, at the Government-house, in the city of Montreal, the 26th day of April, in the first year of the reign of our Sovereign Lady Victoria, by the grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, in the year of our Lord 1838.

By his Excellency's command,

Wm. B. Lindsay, Clerk Special Council.

Enclosure 2, in No. 16.

Anno Primo VICTORIÆ REGINÆ.

Cap. 4.—AN ORDINANCE to continue certain Acts of the Legislature of this Province, relating to the Establishment of Registry Offices.

WHEREAS it is expedient to continue a certain Act of the Legislature of the province of Lower Canada, passed in the 11th year of the reign of his late Majesty King George the Fourth, intituled, "An Act to establish Registry Offices in the Counties of Drummond, Sherbrooke, Stanstead, Shefford, and Missisquoi," in so far as the same is now in force; and another Act of the same Legislature, made and passed in the first year of the reign of his late Majesty King William the Fourth, intituled, "An Act to amend an Act passed in the 11th year of the reign of his late Majesty, intituled, 'An Act to establish Registry Offices in the Counties of Drummond, Sherbrooke, Stanstead, Shefford, and Missisquoi,' and to extend the Provisions of the said Act;" and also another Act of the same Legislature, made and passed in the fourth year of the reign of his late Majesty King William the Fourth, intituled, "An Act to extend the Provisions of the Act to establish Registry Offices in the Counties of Drummond, Sherbrooke, Stanstead, Shefford, and Missisquoi, to Lands held in Free and Common Soccage in the Counties of Two Mountains and Acadie," which would otherwise expire on the 1st day of May, in the year 1838:

Be it therefore ordained and enacted by his Excellency the administrator of the government of this province, authorized to execute the commission of the Governor thereof, with the advice and consent of the Special Council for the affairs of Lower Canada, constituted and assembled by virtue and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the reign of Her present Majesty, intituled, "An Act to make temporary Provision for the Government of Lower Canada;" and it is hereby ordained and enacted, by the authority of the same, that the said Act of the Legislature of the said province, intituled, "An Act to establish Registry Offices in the Counties of Drummond, Sherbrooke, Stanstead, Shefford, and Missisquoi," in

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so far as the same is now unrepealed and in force, and the said Act of the same Legislature of the said province, intituled, "An Act to amend an Act passed in the 11th year of the reign of his late Majesty, intituled, 'An Act to establish Registry Offices in the Counties of Drummond, Sherbrooke, Stanstead, Shefford, and Missisquoi,' and to extend the Provisions of the said Act," save and except the second section of the said last-mentioned Act; and also the said Act of the same Legislature, intituled, "An Act to extend the Provisions of the Act to establish Registry Offices in the Counties of Drummond, Sherbrooke, Stanstead, Shefford, and Missisquoi, to Lands held in Free and Common Soccage in the Counties of Two Mountains and Acadie," which said Acts would otherwise expire on the 1st day of May now next ensuing, shall severally continue to be in force, until the 1st day of November, which will be in the year of our Lord 1842, and no longer.

Provided always, that nothing in this Act contained, shall extend, or be construed to extend, to continue the second section of the said Act secondly above mentioned, passed as aforesaid, in the first year of his said late Majesty William the Fourth, which said second section is in the words following, to wit,

"And be it further enacted by the authority aforesaid, that every person owning or claiming to own any landed or immoveable property whatsoever, situate within any of the said counties of Drummond, Sherbrooke, Stanstead, Shefford, and Missisquoi, by virtue of any Act or deed in law, or instrument in writing, executed before the passing of the Act herein cited and amended, except the letters patent of his Majesty, shall, before the 1st day of May 1832, enregister the same in the registry-office of the county in which such land or immoveable property shall be situate, and every such legal instrument, which shall not be so enregistered, shall be utterly void and of no effect whatsoever against subsequent purchasers for a valuable consideration." But that the said section of the said Act, from and after the 1st day of May next, shall expire and cease to have any force or effect whatsoever.

J. Colborne.

Ordained and enacted by the authority aforesaid, and passed in Special Council, under the great seal of the province, at the Government-house, in the city of Montreal, the 26th day of April, in the first year of the reign of our Sovereign Lady Victoria, by the grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, in the year of our Lord 1838.

By his Excellency's command,

Wm. B. Lindsay, Clerk Special Council.

Enclosure 3, in No. 16.

Anno Primo VICTORIÆ REGINÆ.

Cap. 5.—AN ORDINANCE to continue a certain Act, intituled, "An Act to regulate the Exercise of certain Rights of Lessors and Lessees."

Encl. 3, in No. 16.

WHEREAS it is expedient to continue a certain Act of the Legislature of the province of Lower Canada, passed in the third year of the reign of his late Majesty King William the Fourth, intituled, "An Act to regulate the Exercise of certain Rights of Lessors and Lessees," which would otherwise expire on the 1st day of May, in the year 1838: Be it therefore ordained and enacted, by his Excellency the administrator of the government of this province, authorized to execute the commission of the Governor thereof, with the advice and consent of the Special Council for the affairs of the said province, constituted and assembled by virtue and under the authority of an Act passed by the Parliament of the United Kingdom of Great Britain and Ireland, in the first year of the reign of Her present Majesty, intituled, "An Act to make temporary Provision for the Government of Lower Canada;" and it is hereby ordained and enacted, by the authority of the same, that the said Act of the Legislature of the said province, passed in the third year of the reign of his late Majesty King William the Fourth, intituled, "An Act to regulate the Exercise of certain Rights of Lessors and Lessees," which would otherwise expire on the 1st day of May now next ensuing, shall continue to be in force until the 1st day of May 1839, and no longer.

J. Colborne.

Ordained and enacted by the authority aforesaid, and passed in Special Council, under the great seal of the province, at the Government-house, in the city of Montreal, the 26th day of April, in the first year of the reign of our Sovereign Lady Victoria, by the grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, in the year of our Lord 1838.

By his Excellency's command,

Wm. B. Lindsay, Clerk Special Council.

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Enclosure 4, in No. 16.

Anno Primo VICTORIÆ REGINÆ.

Cap. 6.—AN ORDINANCE to continue a certain Act therein mentioned, intituled, “An Act to provide less expensive means for the Recovery of Wages due to Seamen of Vessels belonging to, or registered in this Province.”

WHEREAS it is expedient to continue a certain Act of the Legislature of the province of Lower Canada, passed in the sixth year of the reign of his late Majesty King William the Fourth, intituled, “An Act to provide less expensive means for the Recovery of Wages due to Seamen of Vessels belonging to, or registered in this Province,” which would otherwise expire on the 1st day of May in the year 1838 :

Be it therefore ordained and enacted, by his Excellency the administrator of the government of this province, authorized to execute the commission of the Governor thereof, with the advice and consent of the Special Council for the affairs of the said province, constituted and assembled by virtue and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the reign of Her present Majesty, intituled, “An Act to make temporary provision for the Government of Lower Canada ;” and it is hereby ordained and enacted, by the authority of the same, that the said Act of the Legislature of the said province, passed in the sixth year of the reign of His late Majesty King William the Fourth, intituled, “An Act to provide less expensive means for the Recovery of Wages due to Seamen of Vessels belonging to, or registered in this Province,” which would otherwise expire on the the first day of May now next ensuing, shall continue to be in force until the first day of November 1842, and no longer.

J. Colborne.

Ordained and enacted by the authority aforesaid, and passed in Special Council, under the great seal of the province, at the Government-house, in the city of Montreal, the 26th day of April, in the first year of the reign of our Sovereign Lady Victoria, by the Grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, in the year of our Lord 1838.

By his Excellency's command,

W. B. Lindsay, Clerk Special Council.

Enclosure 5, in No. 16.

Anno Primo VICTORIÆ REGINÆ.

Cap. 7.—AN ORDINANCE to authorize the appointment of Commissioners to investigate the Claims of certain loyal Inhabitants of this Province, for Losses sustained during the late unnatural Rebellion.

WHEREAS during the late unnatural rebellion, certain loyal inhabitants of this province, sustained much loss and damage, by the destruction of their dwellings, buildings, and other property and effects by the rebels ; and whereas it is expedient, that a diligent and impartial inquiry should be made into the amount of such losses : Be it therefore ordained and enacted by his Excellency the administrator of the government of this province, authorized to execute the commission of the Governor thereof, by and with the advice and consent of the Special Council for the affairs of the said province, constituted and assembled by virtue of, and under the authority of an Act of the Parliament of Great Britain and Ireland, passed in the first year of the reign of Her present Majesty, intituled, “An Act to make Temporary Provision for the Government of Lower Canada ;” and it is hereby ordained and enacted by the authority of the same, that it shall and may be lawful for the governor of this province, or for the person administering the government thereof, from time to time, by commission under the great seal of the said province, to appoint three persons as commissioners, whose duty it shall be to inquire into the losses sustained by Her Majesty's loyal subjects during the late unnatural rebellion, and also into the means which may be possessed by the parties, who may have occasioned such losses, to indemnify the sufferers, and the legal recourse which the said sufferers may have against the said parties.

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And be it further ordained and enacted by the authority aforesaid, that the said commissioners, before they enter upon the execution of their office, shall take an oath before any one of Her Majesty's justices of any one of Her Majesty's Courts of Queen's Bench within the said province, and which he is hereby authorized to administer to the following effect :

I, A. B., do swear that, according to the best of my skill and knowledge, I will faithfully, impartially, and truly execute the duty of commissioner for ascertaining losses sustained by certain loyal inhabitants of this province, during the late unnatural rebellion. So help me God.

And be it further ordained and enacted by the authority aforesaid, that it shall and may be lawful to and for the said commissioners, and they are hereby authorized and empowered and required to examine upon oath all persons whom the said commissioners shall think fit to examine, touching all such matters and things as shall be necessary for the execution of the powers vested in the said commissioners by this Act, and all such persons are hereby

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directed and required personally to attend the said commissioners, at such time and place as they shall appoint.

And be it further ordained and enacted by the authority aforesaid, that the said commissioners be authorized, and they are hereby authorized, to meet and sit, from time to time, at such place or places as the governor, or person administering the government of this province, may direct, with or without adjournment, and to send their precept or precepts under their hand and seal, for any person or persons whatsoever, and for such books, papers, writings, or records, as they judge necessary for their information, or the execution of the powers vested in the said commissioners by this Act.

And be it further ordained and enacted by the authority aforesaid, that it shall and may be lawful for the governor, or person administering the government of this province for the time being, by an instrument under his hand and seal at arms, to appoint a clerk and messenger to the said commissioners, and the same from time to time to remove, and others to appoint in their stead.

And be it further ordained and enacted by the authority aforesaid, that the said commissioners shall, from time to time, at their discretion, or as often as they shall be thereunto required, and as soon as possible after the determination of their examination and proceeding, by virtue of this Act, and without any further requisition, furnish an account of their proceedings in writing to the governor, or person administering the government of the said province for the time being.

And be it further ordained and enacted by the authority aforesaid, that in case any person or persons upon examination upon oath before the said commissioners respectively as before mentioned, shall wilfully and corruptly give false evidence, every such person so offending, and being duly convicted thereof, shall be, and is and are hereby declared to be subject and liable to such pains and penalties, as by any law now in being persons convicted of wilful and corrupt perjury are subject and liable.

And be it further ordained and enacted by the authority aforesaid, that the clerk of the said commissioners, shall and he is hereby required faithfully to execute and perform the trust in him reposed, without taking anything for such service, other than such salary and reward as the governor, or person administering the government for the time being, shall think fit to direct and appoint in that behalf.

J. Colborne.

Ordained and enacted by the authority aforesaid, and passed in Special Council, under the great seal of the province, at the Government-house, in the city of Montreal, the 26th day of April, in the 1st year of the reign of our Sovereign Lady Victoria, by the Grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, in the year of our Lord 1838.

By his Excellency's command,
W. B. Lindsay, Clerk Special Council.

Enclosure 6, in No. 16.

ANNO PRIMO VICTORIÆ REGINÆ.

Cap. 8.—AN ORDINANCE to continue a certain Act therein mentioned, intituled, "An Act for the Transportation of certain Offenders from this Province to England, to be thence again transported to New South Wales or Van Diemen's Land."

Encl. 6, in No. 16. WHEREAS it is expedient to continue a certain Act of the Legislature of the province of Lower Canada, passed in the sixth year of the reign of his late Majesty King William the fourth, intituled, "An Act for the Transportation of certain Offenders from this Province to England, to be thence again transported to New South Wales or Van Diemen's Land," which would otherwise expire on the 1st day of May, in the year of our Lord 1838: Be it therefore ordained and enacted, by his Excellency the administrator of the government of this province, authorized to execute the commission of the Governor thereof, with the advice and consent of the Special Council for the affairs of the said province, constituted and assembled by virtue and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the reign of Her present Majesty, intituled, "An Act to make temporary Provision for the Government of Lower Canada;" and it is hereby ordained and enacted, by the authority of the same, that the said Act of the Legislature of the said province, passed in the sixth year of the reign of his late Majesty King William the Fourth, intituled, "An Act for the Transportation of certain Offenders from this Province to England, to be thence again transported to New South Wales or Van Diemen's Land," which would otherwise expire on the 1st day of May now next ensuing, shall continue to be in force until the 1st day of November, which will be in the year of our Lord 1842, and no longer.

J. Colborne.

Ordained and enacted by the authority aforesaid, and passed in Special Council, under the great seal of the province, at the Government-house, in the city of Montreal, the 26th day of April in the first year of the reign of our Sovereign Lady Victoria, by the Grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, in the year of our Lord 1838.

By his Excellency's command,
W. B. Lindsay, Clerk Special Council.

Enclosure 7, in No. 15.

Anno Primo VICTORIÆ REGINÆ.

Cap. 9.—AN ORDINANCE to continue a certain Act therein mentioned, relating to Protested Bills of Exchange.

WHEREAS it is expedient to continue a certain Act of the Legislature of the province of Lower Canada, passed in the third year of the reign of his late Majesty King William the Fourth, intituled, "An Act further to suspend certain parts of an Act or Ordinance therein mentioned, and to consolidate and further to continue for a limited time the Provisions of two other Acts therein mentioned, for more effectually ascertaining the damages on Protested Bills of Exchange, and for determining Disputes relating thereto, and for other purposes," which would otherwise expire on the 1st day of May in the year of our Lord 1838; Be it therefore ordained and enacted, by his Excellency the Administrator of the Government of this province, authorized to execute the commission of the Governor thereof, with the advice and consent of the Special Council for the affairs of the said province, constituted and assembled by virtue and under the authority of an Act passed by the Parliament of the United Kingdom of Great Britain and Ireland, in the first year of the reign of Her present Majesty, intituled, "An Act to make temporary Provision for the Government of Lower Canada," and it is hereby enacted and ordained by the authority of the same, that the said Act of the Legislature of the said province, passed in the third year of the reign of his late Majesty King William the fourth, intituled, "An Act further to suspend certain parts of an Act or Ordinance therein mentioned, and to consolidate and further to continue for a limited time the Provisions of two other Acts therein mentioned, for more effectually ascertaining the Damages on Protested Bills of Exchange, and for determining Disputes relating thereto, and for other purposes;" which would otherwise expire on the 1st day of May now next ensuing, shall continue to be in force until the 1st day of November 1842, and no longer.

J. Colborne.

Ordained and enacted by the authority aforesaid, and passed in Special Council, under the great seal of the province, at the Government-house, in the city of Montreal, the 26th day of April, in the first year of the reign of our Sovereign Lady Victoria, by the Grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, in the year of our Lord 1838.

By his Excellency's command,

W. B. Lindsay, Clerk Special Council.

Enclosure 8, in No. 16.

Anno Primo VICTORIÆ REGINÆ.

Cap. 10.—AN ORDINANCE for indemnifying Persons who, since the 1st day of October 1837, have acted in apprehending, imprisoning, or detaining in Custody, Persons suspected of High Treason, or Treasonable Practices, and in the Suppression of Unlawful Assemblies, and for other Purposes therein mentioned.

WHEREAS a late armed insurrection of certain subjects of Her Majesty, in the district of Montreal, in this province, with intent to subvert the Government, and to plunder and destroy the property of the loyal inhabitants, has been happily subdued, but not until the insurgents had committed acts of murder, robbery and arson, and other offences, and had occasioned much alarm for the peace and security of the province. And whereas immediately before and during the said insurrection, and in consequence thereof, it became necessary for justices of the peace, officers of militia, and other persons in authority in this province, and for divers loyal subjects of Her Majesty, to take all possible measures for apprehending, securing, detaining and bringing to justice persons charged or suspected of joining in the said insurrection, or of aiding or abetting the same, or of other treasonable practices, dangerous to the peace of this province, and the security of its government, and also for the purpose of defeating and putting down the said insurrection, and for maintaining the peace of this province, and securing the lives and properties of the inhabitants thereof; and whereas some of such acts may not have been strictly legal and formal, but it is nevertheless just and necessary that the persons doing or advising the same, should be kept harmless, and indemnified against actions at law, or other proceedings with which they might otherwise be harrassed: Be it therefore ordered and enacted, by his Excellency the Administrator of the Government of this province, authorized to execute the commission of the Governor thereof, with the advice and consent of the Special Council for the affairs of the said province, constituted and assembled by virtue and under the authority of the Act passed by the Parliament of the United Kingdom of Great Britain and Ireland, in the first year of the reign of her present Majesty, intituled "An Act to make temporary Provision

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vision for the Government of Lower Canada;" and it is hereby ordained and enacted, that all personal actions, suits, indictments, and prosecutions, heretofore brought, commenced, preferred or exhibited, or now depending, or to be hereafter brought, commenced, preferred or exhibited, and all judgments thereupon obtained, if any such there be or shall be, and all proceedings whatsoever against any person or persons, for or on account of any act, matter or thing, by him or them done or commanded, ordered or directed, or advised to be done, since the 1st day of October, in the year of our Lord 1837, for apprehending, committing, imprisoning, detaining in custody, or discharging, any person or persons, who hath or have been imprisoned or detained in custody for high treason, suspicion of high treason, or treasonable practices, or for apprehending, committing, imprisoning or detaining in custody, any person or persons who hath or have been imprisoned, or detained in custody, for having been so tumultuously, unlawfully and traitorously assembled in arms as aforesaid, or for dispersing by force of arms any persons assembled as aforesaid, or for suppressing the said traitorous insurrection, and discovering and guarding against any other of the treasonable proceedings aforesaid, or for discovering and bringing to justice the persons concerned therein, or for maintaining the public peace, and the security of Her Majesty's subjects in their persons and property, or for supporting the Government and Constitution of this province against the treasonable practices and proceedings aforesaid, shall be discharged and made void, and that every person by whom any such act, matter or thing shall have been done or commanded, ordered, directed or advised to be done, shall be freed, acquitted, discharged and indemnified, as well against the Queen's Majesty, her heirs and successors, as against all and every other person and persons.

And be it further ordained and enacted, by the authority aforesaid, that if any action and suit shall be or have been brought, commenced or had in any Court of this province, against any person or persons, for and on account of any such act, matter or thing as aforesaid, he and they may plead the general issue, and give this Act and the special matter in evidence, and if the plaintiff or plaintiffs shall become nonsuit, or forbear further prosecution, or suffer discontinuance in any such action or suit, or if a verdict shall pass, or judgment be pronounced or rendered against the plaintiff or plaintiffs therein, the defendant or defendants therein shall be entitled to double costs, for which he or they shall have the like remedy as in other cases in which costs by law are given to defendants.

And be it further ordained and enacted, by the authority aforesaid, that if any action, suit, indictment, information, prosecution or proceeding shall be brought, commenced, preferred, exhibited, or had in any Court against any person or persons, for or on account of any such act, matter or thing as aforesaid, it shall be lawful for the defendant or defendants in any such action, suit, indictment, information, prosecution or proceeding, or for any of them, to apply by motion, petition or otherwise, to the Court in which the same hath been or shall be brought, commenced, preferred, exhibited or had, or shall be depending, if such Court shall be sitting, and if not sitting, then to any one of the judges or justices of such court, to stay all further proceedings in such action, suit, indictment, information, prosecution or proceeding; and such Court, and any judge or justice thereof, when the said Court shall not be sitting, is hereby authorized and required to examine the matter of such application, and upon proof by the oath or affidavit of the person or persons making such application, or any of them, or other proof to the satisfaction of such Court, judge or justice, that such action, suit, indictment, information, prosecution or proceeding is brought, commenced, preferred, exhibited or had, for or on account of any such act, matter or thing as aforesaid, to make an order for staying execution and all other proceedings in such action, suit, indictment, information, prosecution or proceeding, in whatever state the same shall or may then be, and the Court, or the judge or justice making such order for stay of proceedings, in any action or suit as aforesaid, shall also order unto the defendant or defendants, and he or they shall have or be entitled to double costs for all such proceedings as shall be had or carried on in any such action or suit after the passing of this ordinance, and for which costs he and they shall have the like remedy as in cases where costs are by law given to defendants.

Provided always, that it shall be lawful for any person or persons, being a party or parties to any such action, suit, indictment, information, prosecution or other proceeding, to apply by motion, petition or otherwise, in a summary way, to the Court in which the same shall have been brought, commenced, preferred, exhibited or had, or shall be depending, to vacate, discharge, or set aside any order made by any judge or justice of that Court, for staying proceedings, or for payment of costs as aforesaid, so as such application be made within the first two days of the term or session of such Court next ensuing the making of any such order by any judge or justice as aforesaid; and such Court is required to examine the matter of such application, and to make such order therein, as if the application had been originally made to the said Court; but nevertheless, in the meantime, and until such application shall be made to the said Court, and unless the said Court shall think fit to vacate, discharge, set aside or reverse the order made by any such judge or justice as aforesaid, the same shall continue in full force to all intents and purposes whatsoever.

And be it further ordained and enacted, by the authority aforesaid, that all and every person or persons discharged out of custody as aforesaid, although he or they shall not have been discharged according to law, shall be deemed and taken to have been legally discharged out of custody.

J. Colborne.

Ordained and enacted by the authority aforesaid, and passed in Special Council, under the great seal of the province, at the Government House, in the City of Montreal, the 28th day of April, in the first year of the reign of our Sovereign Lady Victoria, by the grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, in the year of our Lord 1838.

By his Excellency's command,

W. B. Lindsay, Clerk Special Council.

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CANADA.
No. 16.

Sir J. Colborne to
Lord Glenelg,
30 April 1838.

Enclosure 9, in No. 16.

Anno Primo VICTORIÆ REGINÆ.

Cap. 11.—AN ORDINANCE authorizing the Repayment, out of the Monies in the hands of the Receiver-General of this Province, of certain Sums advanced from the Imperial Treasury.

WHEREAS by a certain Act passed by the Parliament of the United Kingdom of Great Britain and Ireland, in the first year of the reign of Her present Majesty, intituled, "An Act to make temporary provision for the Government of Lower Canada," it was enacted, that it should be lawful for Her Majesty, by any commission or commissions to be from time to time issued, in the manner therein provided, to constitute a special council for the affairs of Lower Canada; and that from and after the proclamation of the said Act in the Province of Lower Canada, it should be lawful for the administrator of the government of this province authorized to execute the commission of the governor thereof, with the advice and consent of a majority of the said Council, to make such laws or ordinances for the peace, welfare, and good government of the said Province of Lower Canada, as the Legislature of Lower Canada, as constituted at the time of passing the said Act, was empowered to make. And whereas it was also further enacted, that it should not be lawful by any such law or ordinance to appropriate any monies which at the time of the passing the said Act were, or which should thereafter be, in the hands of the Receiver-general of the said Province of Lower Canada, towards the repayment of any sum or sums of money which shall have been issued out of the sum of 142,160*l.* 14*s.* 6*d.*, granted to His Majesty by a certain Act of the Parliament of the said United Kingdom, for advances on account of charges for the administration of justice, and of the civil government of the Province of Lower Canada, unless upon a certificate from three or more of the Commissioners of Her Majesty's Treasury, setting forth the several sums which shall have been so advanced for any of the purposes aforesaid. And whereas it appears by a certificate issued in conformity with the said Act, and bearing date at the Treasury Chambers at Whitehall, the 13th day of February in the present year, that several sums, amounting in all to 100,107*l.* 9*s.* sterling, had been advanced by Her Majesty's commands, out of the said grant of 142,160*l.* 14*s.* 6*d.*, on account of the charge for the administration of justice, and of the civil government of the said province. And whereas it is expedient that provision should be made for the repayment thereof; Be it therefore enacted, by his Excellency the Administrator of the Government of this Province, authorized to execute the Commission of the Governor thereof, with the advice and consent of the Special Council for the affairs of Lower Canada, constituted and assembled by virtue and under the authority of the before-mentioned Act of the Parliament of the United Kingdom of Great Britain and Ireland, intituled, "An Act to make temporary provision for the Government of Lower Canada," and it is hereby enacted by the authority of the same, that it shall and may be lawful for the Governor, Lieutenant-governor, or person administering the Government of this province, by a warrant or warrants under his hand, from time to time or at any one time to authorize and direct the issue and payment, for the discharge and repayment of the advances aforesaid, to such person or persons as may be named in the said warrants, out of any monies in the hands of the Receiver-general not otherwise specially appropriated, and with preference to all other expenditure whatever, of such sum or sums as shall in the whole be equivalent, at the current rate or rates of exchange for bills on Her Majesty's Treasury in London which shall prevail in this province at the time or times of payment, to the before-mentioned sum of 100,107*l.* 9*s.* sterling.

And be it further enacted, by the authority aforesaid, that the said warrant or warrants, with the receipt or receipts of the party or parties named therein, shall constitute and be a sufficient authority and acquittance for the payment by the said Receiver-general of the sum or sums therein specified; and the said Receiver-general shall be allowed credit for the same in his accounts accordingly.

J. Colborne.

Ordained and enacted by the authority aforesaid, and passed in Special Council under the great seal of the province, at the Government-house in the city of Montreal, the 28th day of April, in the first year of the reign of our Sovereign Lady Victoria, by the grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, in the year of our Lord 1838.

By his Excellency's command,

W. B. Lindsay, Clerk Special Council.

Encl. 9, in No. 16.

LOWER
CANADA.

No. 15.

Sir J. Colborne to
Lord Glenelg,
30 April 1838.

Enclosure 10, in No. 16.

Anno Primo VICTORIÆ REGINÆ.

Cap. 12.—AN ORDINANCE to make Provision for Defraying the Civil Expenditure of the Provincial Government from the 1st day of April 1837 to the 10th day of April 1838.

Encl. 10, in No. 16. WHEREAS it is expedient to make provision towards defraying the expenses of Her Majesty's civil government of this province, and of the administration of justice therein, from the 1st day of April, which was in the year of our Lord 1837, to the 10th day of April 1838; Be it therefore ordained and enacted, by the Administrator of the Government of this province, authorized to execute the commission of the Governor thereof, with the advice and consent of the Special Council for the affairs of the said province, constituted and assembled by virtue and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the reign of Her present Majesty, intituled, "An Act to make Temporary Provision for the Government of Lower Canada;" and it is hereby ordained and enacted, by the authority of the same, that from and out of the unappropriated monies which now are, or shall hereafter come, into the hands of the Receiver-general of this province for the time being, there shall be paid and applied towards defraying the expenses of the administration of justice and the support of the civil government of this province, incurred from the 1st day April 1837 to the 10th day of April 1838, both days inclusive, such sum or sums as, together with the sums which may be in the Receiver-general's hands at the time of the passing of this Act, at the disposal of the Crown, applicable to such purposes, shall amount to a sum not exceeding 47,344 *l.* 14*s.* 7*d.* sterling.

And be it further ordained and enacted, by the authority aforesaid, that the due application of the monies appropriated by this Act, shall be accounted for to Her Majesty, her heirs and successors, through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner and form as Her Majesty, her heirs and successors, shall direct.

J. Colborne.

Ordained and enacted by the authority aforesaid, and passed in Special Council, under the great seal of the province, at the Government House, in the city of Montreal, the 28th day of April, in the first year of the reign of our Sovereign Lady Victoria, by the Grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, in the year of our Lord 1838.

By his Excellency's command,

W. B. Lindsay,
Clerk Special Council.

Enclosure 11, in No. 16.

Anno Primo VICTORIÆ REGINÆ.

Cap. 13.—AN ORDINANCE to continue for a limited time certain Acts of the Legislature of this Province, relative to the District of Saint Francis.

Encl. 11, in No. 16. WHEREAS it is expedient to continue for a limited time the several Acts of the Legislature of this province hereinafter mentioned; Be it therefore ordained and enacted, by his Excellency the Administrator of the Government of this province authorized to execute the commission of the Governor thereof, with the advice and consent of the Special Council for the affairs of the said province, constituted and assembled by virtue and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the reign of Her present Majesty, intituled, "An Act to make Temporary Provision for the Government of Lower Canada;" and it is hereby ordained and enacted, by the authority of the same, that a certain Act of the Legislature of the said province, made and passed in the third year of the reign of his said late Majesty King George the Fourth, intituled, "An Act to erect certain Townships therein mentioned into an Inferior District, to be called the Inferior District of Saint Francis, and to establish Courts of Judicature therein;" and a certain other Act of the same Legislature, made and passed in the 11th year of the reign of his late Majesty King George the Fourth, intituled, "An Act to continue further, for a limited time, a certain Act passed in the third year of his Majesty's reign, intituled, 'An Act to erect certain Townships therein mentioned into an Inferior District, to be called the Inferior District of Saint Francis, and to establish Courts of Judicature therein,' and to make further Provision for the due Administration of Justice in the said Inferior District;" and a certain other Act of the same Legislature, made and passed in the second year of the reign of his late Majesty King William the Fourth, intituled, "An Act to make better provisions with regard to Appeals from the Provincial Court of the Inferior District of Saint Francis,

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to establish Circuits therein, and to extend the benefits of Trial by Jury to the said Inferior District;" and also a certain other Act of the same Legislature, made and passed in the third year of the reign of his late Majesty King William the Fourth, intituled, "An Act further to continue, for a limited time, and to amend a certain Act therein mentioned relating to the Inferior District of Saint Francis," shall, with such amendments as may have been made to the same respectively, be held, taken and considered to have been, and to have continued to be, in full force and virtue from the times of passing the same respectively to the present time, and shall be, continue, and remain in full force and virtue until the 1st day of November, which will be in the year of our Lord 1842.

J. Colborne.

Ordained and enacted by the authority aforesaid, and passed in Special Council, under the great seal of the province, at the Government-house, in the city of Montreal, the 28th day of April, in the first year of the reign of our Sovereign Lady Victoria, by the Grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, in the year of our Lord 1838.

By his Excellency's command,

W. B. Lindsay, Clerk Special Council.

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Sir J. Colborne to
Lord Glenelg,
30 April 1838

— No. 17. —

(No. 40.)

COPY of a DESPATCH from Lieutenant-General Sir *John Colborne*, G. C. B.,
to Lord *Glenelg*.

No. 17.

Sir J. Colborne to
Lord Glenelg,
7 May 1838.

My Lord,

Government House, Montreal,
7 May 1838.

I HAVE the honour to transmit, for your information, printed copies of the several ordinances passed by the Special Council for the affairs of Lower Canada subsequently to those reported in my despatch of the 30th ultimo, No. 36.

No. 14 to 26.

An ordinance to incorporate certain persons therein named, under the name of "The President, Directors, and Company of the Bank of Montreal."

Enclosure, No. 1.

An ordinance to enable the Governor or person administering the government of this province to extend a conditional pardon, in certain cases, to persons who have been concerned in the late insurrection.

Enclosure, No. 2.

An ordinance to appropriate sums of money therein mentioned to the encouragement of education in this province.

Enclosure, No. 3.

An ordinance to appropriate certain sums of money therein mentioned to the support of certain charitable institutions, and for other purposes.

Enclosure, No. 4.

An ordinance to appropriate certain sums of money therein mentioned for the encouragement of agriculture.

Enclosure, No. 5.

An ordinance for the more speedy attainder of persons indicted for high treason, who have fled from the province, or remain concealed therein, to escape from justice.

Enclosure, No. 6.

An ordinance for preventing the mischiefs arising from the printing and publishing newspapers, pamphlets, and papers of a like nature, by persons not known, and for other purposes.

Enclosure, No. 7.

An ordinance to authorize the payment of certain monies due by the commissioners for the erection of a common gaol in the district of Montreal.

Enclosure, No. 8.

An ordinance to provide for the better defence of this province, and to regulate the militia thereof.

Enclosure, No. 9.

An ordinance to authorize the commissioners appointed under a certain Act of the legislature of this province therein mentioned, to borrow a further sum of money, to be applied to the improvement and enlargement of the harbour of Montreal, and for other purposes.

Enclosure, No. 10.

An ordinance to authorize the incorporated and chartered, and other Banks in this province, to suspend the redemption of their notes in specie, for a limited time.

Enclosure, No. 11.

Enclosure, No. 12.

An ordinance to enable the proprietors or shareholders of a company, called the "Bank of British North America," to sue and be used, in the name of any one or more of its local directors or managers for the time being, and for other purposes therein mentioned.

Enclosure, No. 13.

An ordinance to make provision for the survey of Lake Saint Peter.

I have, &c.
(signed) *J. Colborne.*

Enclosure 1, in No. 17.

Anno Primo VICTORIÆ REGINÆ.

Cap. 14.—AN ORDINANCE to Incorporate certain Persons therein named, under the name of "The President, Directors, and Company of the Bank of Montreal."

Encl. 1, in No. 17.

WHEREAS under and by virtue of an Act of the Parliament of the province of Lower Canada, passed in the 1st year of the reign of His Majesty King George the Fourth of blessed memory, intituled, "An Act for incorporating certain Persons therein named, under the name of the President, Directors, and Company of the Bank of Montreal," the persons therein named, and their several and respective heirs, executors, curators, administrators, successors, and assigns were duly ordained, constituted, and declared to be a corporation, body corporate and politic, by the said name of "The President, Directors, and Company of the Bank of Montreal," which Act was subsequently amended and continued by another Act of the said Parliament, passed in the 10th and 11th years of the reign of his said Majesty King George the Fourth; and whereas by the effluxion of the time limited by the said Acts, the said corporation ceased to exist on the 1st day of June last; and whereas certain persons hereinafter named have by their petition represented, that on the said 1st day of June last, they and divers other persons had associated themselves together for the purposes of assuming and carrying on the business of banking heretofore carried on by the said corporation, and for the said purposes had subscribed a capital of 500,000 *l.* currency of the said province, whereof 390,000 *l.* is actually paid in, and thereupon prayed for the enactment of an ordinance to incorporate them; and whereas there is reason to believe that the encouragement of an institution, established for the purposes aforesaid, will tend much to the loyal relief and benefit of all Her Majesty's subjects in the said province:

Be it therefore ordained and enacted by his Excellency the Administrator of the Government of this province, authorized to execute the commission of the Governor thereof, by and with the advice and consent of the Special Council for the affairs of the said province of Lower Canada, constituted and assembled by virtue of and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the 1st year of the reign of Her present Majesty, intituled, "An Act to make Temporary Provision for the Government of Lower Canada;" and it is hereby ordained, and enacted by the authority of the same, that the Honourable Peter M'Gill and Joseph Masson, Thomas Brown Anderson, Charles Brooke, John Jamieson, James Logan, John Molson, Joseph Shuter, John Redpath, John Torrance, William Lunn, and John M'Pherson, all of the city of Montreal, in the said province, esquires, and such other persons as now are holders of the stock of the association, now carrying on banking business at the said city of Montreal under the name and firm of "The President, Directors, and Company of the Bank of Montreal," and their several and respective heirs, executors, curators, administrators, successors, and assigns shall be and are hereby ordained, constituted, and declared to be a corporation, body corporate and politic, by the name of "The President, Directors, and Company of the Bank of Montreal," and shall so continue and have succession till the 1st day of November, which will be in the year of our Lord 1842; and shall and may by the said name be persons able and capable in law to sue, be sued, implead and be impleaded, answer and be answered, defend and be defended, in all courts and places whatsoever; and shall also be able and capable in law to purchase, acquire, hold, and enjoy, and retain to them and their successors lands and tenements, real or immoveable estate, for the convenient conduct and management of the business of the said bank, not exceeding the yearly value of 1,800 *l.*, current money of this province, and for no other purpose; and may sell, alienate, and dispose of such lands, tenements, real or immoveable estate, and purchase and acquire others in their stead for the same purpose, not exceeding the yearly value aforesaid; and may have a common seal, and may change and alter the same at their pleasure; and may also from time to time, at any general meeting of the stockholders called for that purpose, or at any general annual meeting of the said stockholders, ordain, establish, and put in execution such bye-laws, ordinances, and regulations (the same not being contrary to the present ordinance, or to any laws in force in this province,) as may appear to them necessary or expedient for the management of the said bank, and may from time to time alter and repeal the same, or any of them; and the said bye-laws, ordinances, and regulations shall be made by the directors already appointed, or who may hereafter be appointed, and shall be submitted to the stockholders of the said bank for their approval and confirmation at a general meeting called for that purpose, to be held in the manner hereinafter mentioned, or at any general annual meeting; provided always that

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that six weeks' public notice shall have been previously given of the intention of the directors to submit such bye-laws, ordinances, and regulations for approval and confirmation, or for revision; and the said corporation shall and may do and execute by the name aforesaid all and singular other the matters and things touching the management of the business of the said corporation which to them shall or may appertain to do, subject nevertheless to the rules, regulations, limitations, and provisions hereinafter prescribed and established.

And be it further ordained and enacted, by the authority aforesaid, that the capital stock of the said bank of Montreal, hereby incorporated and established, shall not exceed the sum of 500,000 *l.*, current money aforesaid, divided into 10,000 shares of 50 *l.* each; which shares shall be, and the same are hereby vested in the said several persons hereinbefore named, their successors and assigns, according to the shares and interest which they may respectively have subscribed, purchased, or acquired, and may now have in the same; and that such part of the said sum of 500,000 *l.* as may not yet have been paid in, shall be paid by the stockholders respectively by whom the same is due, by instalments not exceeding 10 per centum on the capital stock of each stockholder, at such time and times and place as the directors of the said bank at Montreal shall appoint, after notice of not less than 30 days in this behalf to be previously given, in one or more of the public newspapers published at the said city of Montreal; and all executors, curators, and administrators who shall pay up the instalments due by the estate or succession which they respectively represent, in obedience to any call made for that purpose in the manner aforesaid, shall be, and they are hereby respectively indemnified.

And be it further ordained and enacted, by the authority aforesaid, that for the management of the affairs of the said corporation, there shall be 13 directors who shall be annually elected by the proprietors of the capital stock of the said bank, at a general meeting of them to be annually held on the first Monday of June; the first whereof shall be held on the first Monday of June now next ensuing; at which annual meeting the said stockholders shall vote according to the rule hereinafter established as to the manner of voting at general meetings; and the directors so chosen by a majority, in conformity to such rule, shall be capable of serving as directors for the then next ensuing 12 months, unless removed for maladministration before that period by the stockholders at a general meeting to be held by them, or unless suspended as hereinafter provided; and at their first meeting after such election they shall choose out of their number a president and vice-president, who shall hold their offices respectively during the same period for which the said directors shall have been elected as aforesaid; and it shall be lawful for the said directors, from time to time, in case of the death, resignation, absence from the province, or removal of the persons so chosen to be president and vice-president, or either of them, to choose in their or his stead, from among them, the said directors, another person or persons to be president and vice-president respectively; and in case of the death, resignation, absence from the province for three months at a time, or the removal of the director by the stockholders as aforesaid, his place, in case of such removal, shall be filled up by the said stockholders at any one of their general meetings, and in the other cases last mentioned by the remaining directors, or a majority of them; and the person so appointed, in the place and stead of such director, shall serve till the next general meeting for the election of the directors; and in the event of any temporary absence of the president of the said bank, whether occasioned by sickness or otherwise, the remaining directors of the said bank may, by a vote duly recorded in the register of their proceedings, devolve upon the vice-president of the said bank, during the continuance of such temporary absence, all the duties of the said president; and in the event of the unavoidable absence of both the president and vice-president at any board of the said directors held for the transaction of business, the said directors when assembled shall appoint one of themselves to supply the places of such president or vice-president, and the director so appointed shall vote as a director at the board, and if there be an equal division on any question shall have a casting vote.

Provided always, and it is hereby expressly ordained and enacted, that no stockholder who shall not be a natural-born subject of Her Majesty, or a subject of Her Majesty naturalized by Act of the British Parliament, or a subject of Her Majesty by the effect of the conquest and cession of this province, or who shall be a subject of any foreign prince or state, shall either in person or by proxy vote for the election of any director to be elected in the manner hereinbefore directed, or shall vote at any meeting of the said stockholders for the purpose of ordaining, establishing, or putting in execution any bye-laws, ordinances, or regulations to be made under the authority of this ordinance, or shall assist in the calling of any meeting of such stockholders, or shall vote for any other purpose or purposes whatsoever hereinbefore authorized, anything hereinbefore contained to the contrary notwithstanding.

And be it further ordained and enacted, by the authority aforesaid, that the aforesaid Peter M'Gill, Joseph Masson, Thomas Brown Anderson, Charles Brooke, John Jamieson, James Logan, John Molson, Joseph Shuter, John Redpath, John Torrance, William Lunn, and John M'Pherson, shall be and continue directors, president and vice-president of the said corporation, until the first Monday of June next, being the day hereinbefore appointed for the annual election of directors of the said corporation; provided always, that in case of death, resignation, or absence from the province of any of the said directors so appointed to continue in office as aforesaid, it shall be lawful for the remaining directors, or a majority of them, to fill up the vacancy or vacancies, and the said director or directors so appointed to be and continue in office until the first Monday in June next, shall have the same power

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as to the appointment of a president and vice-president, in the case of the death, resignation, or absence from the province of the president or vice-president before that period, that is hereinbefore given to the directors to be chosen at the period fixed for the annual meeting as aforesaid; provided always, that the said directors shall not, during the period of their services as directors of the said bank, act as private bankers.

And be it further ordained and enacted, by the authority aforesaid, that if at any time it shall happen that an election of directors shall not be made or take effect on the day when, in pursuance of this Act, it ought to be made and take effect, the said corporation shall not be deemed or taken to be dissolved, but it shall be lawful, at any other time, to make such election at a general meeting of the stockholders to be called in the manner hereinafter prescribed.

And be it further ordained and enacted, by the authority aforesaid, that the directors for the time being shall have power to appoint such officers, clerks, and servants under them as shall be necessary for conducting the business of the said corporation, and to allow them such compensation for their services respectively as shall be reasonable and proper; and the said directors shall be capable of exercising such other powers and authority for the well governing and ordering of the affairs of the said corporation, as shall be prescribed by the bye-laws, ordinances, and regulations of the said corporation.

And be it further ordained and enacted, by the authority aforesaid, that in all and every suit or suits at law, which at any time hereafter may be instituted by, or on the part and behalf of any person or persons against the said bank, service of process, upon the president or vice-president of the same, for the time being, or at the office of the said bank, shall, to all intents and purposes, be sufficient to compel the said bank or corporation to appear, and to plead to such suit or suits at law, any law, usage, or custom to the contrary in anywise notwithstanding; and all and every suit or suits at law which at any time may be instituted by or on the behalf of the said bank, against any person or persons, body or bodies, politic or corporate, shall be instituted and prosecuted by the president and directors of the said bank, for the time being, for and in the name of the said bank.

And be it further ordained and enacted, by the authority aforesaid, that the following rules, restrictions, and provisions, shall form and be deemed, and held to be fundamental articles of the said corporation; that is to say, first, the number of votes to which each stockholder or stockholders, copartnership, body politic or corporate, holding stock in the said corporation shall be entitled on every occasion when, in conformity to the provisions of this ordinance, the votes of the members of the said corporation are to be given, shall be in the proportions following; that is to say, for one share and not more than two, one vote; for every two shares, above two, and not exceeding ten, one vote, making five votes for ten shares; for every four shares, above ten, and not exceeding thirty, one vote, making ten votes for thirty shares; for every six shares, above thirty, and not exceeding sixty, one vote, making fifteen votes for sixty shares; and for every eight shares, above sixty, and not exceeding one hundred, one vote, making twenty votes for one hundred shares; but no person or persons, copartnership, body politic or corporate, being a member or members of the said corporation, shall be entitled to a greater number than twenty votes; and all stockholders resident within the province or elsewhere may vote by proxy if he, she, or they shall see fit, provided that such proxy be a stockholder, and do provide an authority from his constituent or constituents for so representing and voting for him, her, or them, according to the form (A.) annexed to this ordinance; and provided also, that after the first election of directors to be made after the passing of this Act, no share or shares of the capital stock of the said corporation shall confer a right of voting, either in person or by proxy, which shall not have been held during three calendar months at the least prior to the day of election, or of the general meeting when the votes of the stockholders are to be given; and where two or more persons are the joint owners of any part of the said stock, it shall be lawful that one person only be empowered, by letter of attorney from the other owners, or a majority of them, to represent the said stock, and to vote accordingly: second, no person other than a stockholder actually resident in the city of Montreal, and holding at least 10 shares of the capital stock of the said corporation, and being a natural-born subject of Her Majesty, or a subject of Her Majesty naturalized by Act of the British Parliament, or a subject of Her Majesty by the effect of the conquest and cession of this province, and who shall have resided seven years in this province, and in any of the above cases who shall have resided three years consecutively in the city of Montreal, shall be capable of being elected or chosen a director of the said corporation, or shall serve as such: third, seven of the directors in office at the period of each annual election shall be re-elected for the next succeeding 12 months: fourth, no director shall be entitled to any salary or emolument, unless the same shall have been allowed to him by a general meeting of the stockholders; but the stockholders may make such compensation to the president or vice-president for their extraordinary attendance at the bank, or other services, as shall appear to them to be reasonable and proper: fifth, not less than five directors shall constitute a board for the transaction of business, of which number the president or vice-president shall always be one, except in case of sickness and necessary absence, in which case their places may be supplied by any other director whom the president or vice-president shall respectively, by writing under his hand, appoint for that purpose; the president and vice-president shall vote at the board as directors, and in any case of there being an equal number of votes for and against any question before them, the president, and in his absence the vice-president, or in their absence the president for the time being, shall have a casting vote: sixth, any number of stockholders not less than 20, who together shall be proprietors of 250 shares of the capital stock of the said corporation, shall

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have power at any time, by themselves or their proxies, to call a general meeting of the stockholders for purposes relating to the said corporation, giving at least six weeks' notice thereof in at least one of the newspapers published in the city of Montreal, and specifying in such notice the time and place of such meetings, with the object or the objects thereof; and the directors of the said corporation for the time being, or any seven of them, shall have the like power at any time (upon their observing the like formalities) to call a general meeting as aforesaid; and if the object of such meeting to be called by the stockholders or directors as aforesaid shall be to consider of the proposed removal of the president or vice-president, or a director or directors, for maladministration, then and in such cases the person or persons whom it shall be so proposed to remove shall, from the day from which such notice shall be first published, be suspended from the execution of the duties of his or their offices; and if it be the president or vice-president whose removal shall be proposed as aforesaid, his place shall be filled up by the remaining directors, who shall appoint a director to serve as such president or vice-president during the time such suspension shall continue: seventh, every cashier and clerk of the bank, before he enters upon the duties of his office, shall give bond, with two or more sureties, to the satisfaction of the directors; that is to say, every cashier in a sum not less than 5,000*l.*, and every clerk in such sum as the directors shall consider adequate to the trust to be reposed in him, with condition for his good and faithful behaviour: eighth, the lands and tenements which it shall be lawful for the said corporation to hold shall be such only as are hereinbefore permitted to be held by it; provided always, that the said corporation may take and hold mortgages, hypothèques on real property, according to the law of this province, by way of additional security for debts contracted to the said corporation in the course of its dealings, but on no account shall money be lent on mortgages, hypothèques, or upon land or other fixed property, nor shall such be purchased by the corporation upon any pretext as above mentioned: ninth, the total amount of the debts which the said corporation shall at any time owe, whether by bond, bill, or note, or other contract whatsoever, shall not exceed treble the amount of the capital stock actually paid in (over and above a sum equal in amount to such money as may be deposited in the bank for safe keeping), and in case of excess the directors under whose administration it shall happen shall be liable for the same in their private capacities, as well to the stockholders as to holders of bank-notes; and an action in this behalf may be brought against them, or any of them, their, or any of their heirs, executors, administrators, and curators, and be prosecuted to judgment and execution according to the laws of this province; but this shall not exempt the said corporation, or the lands, tenements, goods, or chattels thereof, from being also liable for such excess; provided always, that such directors as shall have been absent when the said excess was contracted or incurred, or shall have entered their protest against it upon the book or books of the said corporation, may respectively exonerate and discharge themselves thereupon by publishing such protest in the public papers within eight days: tenth, the stock of the said corporation shall be assignable and transferable according to the form (B.) annexed to this Act; but no assignment or transfer shall be valid or effectual unless such transfer or assignment be entered or registered in a book or books to be kept by the directors for that purpose, nor until the person or persons making the same shall previously discharge all debts actually due by him, her, or them to the said corporation, which may exceed in amount the remaining stock belonging to such person or persons; and in no case shall any fractional part of a share or shares, or other than a complete share or shares, be assignable or transferable: eleventh, bank obligations, bank bonds, bank bills, obligatory and of credit, under the common seal of the said corporation, signed by the president or vice-president, and countersigned by a cashier, which shall be made payable to any person or persons, shall be assignable by indorsements thereupon, without signification thereof, any law or usage to the contrary notwithstanding; and bank bills or bank notes, which shall be issued by order of the said corporation, signed and countersigned as aforesaid, promising the payment of money to any person or persons, his, her, or their order, or to bearer, although not under the seal of the said corporation, shall be binding and obligatory upon the same, and shall be assignable and negotiable by blank or other indorsement, or otherwise, in like manner as if they were made and issued by private persons; that is to say, those which shall be payable to any person or persons, his, her, or their order shall be assignable by blank or other indorsement, in like manner and with like effect as foreign bills of exchange now are; and those which shall be payable to bearer shall be negotiable by delivery only: twelfth, the books, papers, correspondence, and funds of the said corporation shall at all times be subject to the inspection of the directors; but no stockholder, not being a director, shall inspect the account of any individual or individuals with the said corporation: thirteenth, half-yearly dividends shall be made of so much of the profits of the said corporation as shall appear to the directors for the time being advisable, and shall be payable at such place or places as the said directors shall appoint, of which they shall give public notice, 30 days previously, in at least two newspapers, published at the said city of Montreal, which dividends shall not in any manner whatsoever lessen or impair the capital stock of the said corporation; and the said directors shall every year, at the general meeting held for the election of directors, lay before the stockholders for their information, a statement of the affairs of the said corporation, containing, on the one part, the amount of capital stock paid in, the amount of their notes in circulation, the net profits in hand, the balances due to other banks, and the cash deposited in the said bank, distinguishing deposits bearing interest, if any there be; and on the other part, the amount of current coins, and gold and silver bullion in the vaults of the said bank, the value of buildings

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and other real estate belonging to the said corporation, the balances due to them from other banks, and the amount of all debts owing to the said corporation, including and particularizing the amounts so owing on bills of exchange, discounted notes, mortgages, and other securities; thus exhibiting, on the one hand, the debts due by the said corporation, and on the other hand, the resources thereof; and which statement shall also contain the rate and amount of the then last dividend declared by the said corporation, the amount of the profits reserved at the time of declaring such dividend, the amounts of debts due to the said corporation, and secured by the pledge of the stock thereof, belonging to the persons from whom such debts are due, and the amount of debts overdue and not paid, with an estimate of the loss which may probably be incurred from the non-payment of such debts; and it shall and may be lawful for the Governor, Lieutenant-governor, or person administering the government of the said province, from time to time to require from the president, vice-president, and directors of the said bank, a like statement in detail of the affairs of the said corporation, together with a list of the names of all persons, who shall, at the commencement of every quarter of the year during the time for which such statements shall be required and made, have been shareholders in the said bank, specifying the number of shares held by each and every such person at the commencement of each quarter; and also an account of the amount of paper discounted for, or monies loaned to the directors, or for which they may be security to the said bank; and when so required by the Governor, Lieutenant-governor, or person administering the government of the said province, the said statement, list, and account, shall be rendered under the oaths of the president, vice-president, and cashier, or principal officer of the said corporation; provided always, that nothing herein contained shall be held or construed to compel or authorize the said president, vice-president, directors, cashier, or other principal officer, or any or either of them, to particularize in any such statement the private account of any person or persons with the said corporation; nor shall anything herein contained be held or construed to give a right to stockholders of the said bank, not being directors, to inspect the account of any person or persons with the said corporation: fourteenth, if there shall be a failure by, or on the part of any person or persons, copartnership, body politic or corporate, to pay the amount of any instalment required to be paid on account of his, her, or their shares in the said capital stock of the said corporation, the person or persons failing to pay the amount of such instalment shall incur a forfeiture to and for the use of the said corporation of five per centum on the amount of his or their shares in the said corporation, and of the dividends due to him, her, or them, at the time appointed for the payment of such instalments, and also of all dividends which may afterwards accrue and become due to him, her, or them, until the payment of the amount of such instalment: fifteenth, the said corporation shall not directly or indirectly deal in anything except bills of exchange, discounting on notes of hand or promissory notes, receiving the discount at the time of negotiating, gold or silver bullion, or in the sale of stock pledged for money lent, and not redeemed; and stock so pledged and not redeemed shall be sold by the said corporation at public sale, at any time not less than 10 days after the period for redemption, without any judgment first obtained, and without any previous suit or proceedings at law, any law, usage, or custom to the contrary notwithstanding. And if upon the sale of such stock, there shall be a surplus after deducting the expenses of sale, over and above the money lent, such surplus shall be paid to the proprietors of such stock respectively.

And be it further ordained and enacted, by the authority aforesaid, that the notes of the said corporation shall be payable in gold or silver coin, current by the laws of this province. And the said corporation shall not demand, receive, and require upon its loans or discounts, or upon any other pretext whatsoever, any interest exceeding the lawful interest of six per centum per annum, as fixed by the laws of this province.

And be it further ordained and enacted, by the authority aforesaid, that the total amount of the notes of the said corporation, being for a less sum than 1*l.* 5*s.* currency aforesaid each, which shall be issued and in circulation at any one time, shall not exceed one-fifth of the amount of the capital stock of the said corporation then paid in; provided always, that no note under the nominal value of 5*s.* currency shall be issued or put into circulation by the said corporation, and that the issue and circulation of all denominations of notes for a less sum than 1*l.* 5*s.* each may be suppressed or further limited by any ordinance or law of this province, without such suppression or further limitation being considered an infringement of the privileges granted by this ordinance.

And be it further ordained and enacted, by the authority aforesaid, that if the total amount of all the notes of the said corporation, issued and in circulation, shall at any one time exceed the amount fixed and determined by this ordinance, this ordinance shall cease and determine from the time when such excessive issue shall have occurred; and in such case the president, vice-president, and each and every of the directors of the said bank who shall know that such excessive issue has occurred, or has been authorized, and shall not, within 48 hours after he shall have acquired such knowledge, give public notice thereof in one of the newspapers printed and published in the city of Montreal, shall be personally, and jointly and severally, responsible and liable for all debts, claims, and demands due by the said corporation.

And be it further ordained and enacted, by the authority aforesaid, that the share and shares, and dividends of the stockholders in the said corporation, shall be held, considered, and adjudged to be personal property, and as such be liable to *bonâ fide* creditors for debts, and may be attached and sold under writs of attachment and execution, issued out of Her Majesty's courts of this province, in like manner as other personal property may be attached

and

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and sold under such writs of attachment and execution. And in cases where an attachment may issue for attaching the said share and shares, and dividends, the same shall be served on the cashier of the said corporation, who shall be held to appear in court, and answer upon such writ of attachment according to the laws of this province, and declare the number of shares of stock, and the amount of dividends belonging and due to the person or persons against whom such attachment shall have been obtained; and when the said share or shares have been sold, under a writ or writs of execution, the sheriff by whom such writ or writs shall have been executed shall, within 30 days after such sale, leave with the cashier of the said corporation an attested copy of the said writ or writs of execution, with the certificate of such sheriff indorsed thereon, certifying to whom the sale of the said share or shares, under the said writs or writs of execution, has been by him made; and the person or persons who shall have purchased such share or shares so sold under such writ or writs of execution, shall be held and considered as stockholder or stockholders of the said share or shares, and shall have the same rights, and be under the same obligations, as if he, she, or they had purchased the said share or shares from the proprietor or proprietors thereof.

And be it further ordained and enacted, by the authority aforesaid, that no stockholder or stockholders shall be answerable in his, her or their private or natural capacity or capacities for the debts of the said corporation, excepting directors who may be liable, as hereinbefore mentioned, in cases where the total amount of debts contracted by the said corporation shall, during their administration, exceed the limitation by this ordinance prescribed; provided always, that the said corporation hereby ordained, constituted, and declared, shall assume and pay, and be held bound and liable to pay, all and every the notes in circulation, and all other the debts and liabilities of the corporation, created and continued by the Acts of the Parliament of this province hereinbefore mentioned, passed in the 1st and in the 10th and 11th years of the reign of his Majesty King George the Fourth, and also all and every the notes in circulation, and all other the debts and liabilities of the association, hereinbefore mentioned, which, on the 1st day of June last, assumed and continued the business of the said corporation, created and continued to that day by the said Acts. And the said corporation, by this ordinance ordained, constituted, and declared to be a corporate body by the name aforesaid, shall be and they are hereby authorized and empowered, in the name aforesaid, to demand, recover, have, and receive all the debts remaining due and owing to the said corporation, which expired on the 1st day of June last, and to the said association which assumed and carried on the business thereof as aforesaid, in like manner as if the said debts were due and owing to the said corporation hereby ordained and constituted.

And be it further ordained and enacted, by the authority aforesaid, that if any officer, cashier, clerk, or servant of the said corporation, intrusted with any bond, obligation, bill, obligatory or of credit, or of any other bill or note, or any security, money, or effects belonging to the said corporation, or having any bond, obligation, or bill, obligatory or of credit, or any other bill or note, or any security, money, or effects of any other person or persons lodged or deposited with the said corporation, or with him, as an officer, cashier, clerk, or servant of the said corporation, shall secrete, embezzle, or run away with any such bill, bond, obligation, bill, obligatory or of credit, or any such other bill or note, security, money, or effects, or any of them, or any part of them, every such officer, cashier, clerk, or servant so offending, and being thereof convicted in due form of law, shall be deemed guilty of felony, and shall suffer death as a felon, without benefit of clergy.

And be it further ordained and enacted, by the authority aforesaid, that if any person or persons shall forge or counterfeit the common seal of the said bank, or shall forge or counterfeit, or alter any bond, obligation, bill, obligatory or of credit, or any other bill or note of the said corporation, or any indorsement or indorsements thereon, with an intention to defraud the said corporation, or any person or persons whomsoever; or shall alter or pass any forged, counterfeit, or altered bond, obligation, bill, obligatory or of credit, or any other bill or note of the said corporation, or indorsement or indorsements thereon; or shall demand the money therein mentioned and contained, knowing the same to be forged, counterfeit, or altered, every such person, for every such offence, upon conviction thereof in due form of law, for the first offence, shall be deemed and adjudged to be guilty of a misdemeanor, and on being lawfully convicted thereof, shall be liable for such offence to be imprisoned for a time, which shall not be less than six months, nor more than six years, and to be kept at hard labour, or be publicly whipped, or to stand in the pillory, or undergo one or more of the said punishments, at the discretion of the court before which such conviction shall take place; and shall, for a second offence, be deemed and adjudged to be guilty of felony.

And be it further ordained and enacted, by the authority aforesaid, that if any person shall engrave, form, make or mend any plate or plates, paper, rolling-press, or other tool, instrument, or material, devised, adapted, and designed for stamping, forging, or making any false and counterfeit bill of exchange, promissory note, undertaking, or order for the payment of money, purporting to be the bill of exchange, promissory note, undertaking, or order of the said corporation, or of any of the officers or persons engaged in the management of the concerns of the said corporation, in the name and on the behalf of the said corporation; or shall have in his possession any such plate or plates engraven in any part, or any paper, rolling-press, or other tool, instrument, or material, devised, adapted, or designed as aforesaid, with the intent to use and employ the same, or to cause or permit the same to be used and employed in forging, and making any such false and counterfeit bills of exchange, promissory notes, undertakings, or orders, every person so offending shall be deemed and taken to be guilty of felony, and, being thereof convicted, shall suffer death as a felon, without benefit of clergy.

And be it further ordained and enacted, by the authority aforesaid, that it shall and may

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be lawful to, and for any one justice of the peace, on complaint made before him, upon the oath of one credible person, that there is just cause to suspect that any one or more person or persons, is or are, or hath or have been concerned in making or counterfeiting any such false bills of exchange, promissory notes, undertakings, or orders as aforesaid, by warrant under the hand of such justice, to cause the dwelling-house, room, workshop, outhouse, or other buildings, yard, garden, or other place, belonging to such suspected person or persons, or where any such person or persons shall be suspected to carry on any such making or counterfeiting, to be searched for any such false bills of exchange, promissory notes, undertakings, or orders; and if any such false bills of exchange, promissory notes, undertakings, or orders, or any such plates, rolling-presses, or other tools, instruments, or materials shall be found in the custody or possession of any person or persons whomsoever, not having the same by some lawful authority, it shall and may be lawful to and for any person or persons whomsoever discovering the same to seize, and he or they are hereby authorized and required to seize such false or counterfeit bills of exchange, promissory notes, undertakings, or orders, and such plates, rolling-presses, or other tools, instruments, or materials, and to carry the same forthwith before a justice of the peace of the county or district in which the same shall be seized, who shall cause the same to be secured and produced in evidence against any person or persons who shall or may be prosecuted for any the offences aforesaid in some court of justice proper for the determination thereof, and the same, after being so produced in evidence, shall, by order of the court before which such offender or offenders shall be tried, be defaced or destroyed, or otherwise disposed of as such court shall direct.

And be it further ordained and enacted, by the authority aforesaid, that nothing in the present ordinance contained shall affect, or be construed to affect in any manner or way whatsoever, the rights of Her Majesty, her heirs, or successors, or of any person or persons, or of any bodies politic or corporate, such only excepted as are herein mentioned.

And be it further ordained and enacted, by the authority aforesaid, that this ordinance shall be deemed and taken to be a public ordinance and law of this province, and as such shall be judicially taken notice of by all judges, justices, and other persons whomsoever, without the same being specially pleaded.

And be it further ordained and enacted, by the authority aforesaid, that it shall not be lawful for the said corporation at any time whatever, directly or indirectly, to advance or lend to, or for the use or on account of any foreign prince or state, any sum or sums of money whatever, and if such unlawful advance or loan be made, then and from thenceforth the said corporation shall be dissolved, and all the powers, authorities, rights, and advantages hereby granted to the said corporation, shall from thenceforth cease and determine, anything in the present ordinance contained to the contrary thereof in any wise notwithstanding; and provided also, that the said corporation shall not raise loans of money, nor increase its capital.

And be it further ordained and enacted, by the authority aforesaid, that this ordinance shall continue and be in force till the 1st day of November, in the year of our Lord 1842, and no longer.

Form (A.)

Stock of the Bank of Montreal.

Power of Attorney to accept Transfers, receive Dividends, Sell, and Vote.

Know all men by these presents, that I (or we) _____ of _____
do make, constitute, and appoint _____ of _____ my (or our)
true and lawful attorney, for me (or us) in my (or our) name, and on my (or our) behalf to
accept all such transfers as are or may hereafter be made unto me (or us) of any interest or
share in the capital or joint stock of the Bank of Montreal; to receive and give receipts for
all dividends that are now due, and that shall hereafter become due and payable for the same
for the time being; to sell, assign and transfer, all or any part of my (or our) said stock, to
receive the consideration money, and give a receipt or receipts for the same; and to vote at
all elections, and generally to do all lawful acts requisite for effecting the premises, hereby
ratifying and confirming all that my (or our) said attorney shall do therein, by virtue hereof.
In witness whereof, I (or we) have hereunto set my (or our) hand and seal at
this _____ day of _____ in the year of our Lord 18 _____

Signed and sealed in the presence of _____

Form (B.)

For value received from _____ of _____ I (or we) do hereby assign
and transfer unto _____ of _____ shares (on each of which has
been paid _____ pounds _____ shillings currency, amounting to the sum of
_____ pounds _____ shillings,) in the capital stock of the Bank of Montreal,
subject to the rules and regulations of the said bank. Witness _____ hand, at the said
bank, this _____ day of _____ 18 _____

Witness _____

I (or we) do hereby accept the foregoing assignment of _____ shares in the stock
of the Bank of Montreal, assigned to _____ as abovementioned, at the bank,
this _____ day of _____ 18 _____

J. Colborne.

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Ordained and enacted by the authority aforesaid, and passed in Special Council under the great seal of the province, at the Government-house, in the city of Montreal, the 4th day of May, in the first year of the reign of our Sovereign Lady Victoria, by the Grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, and in the year of our Lord 1838.

By his Excellency's command,

W. B. Lindsay, Clerk Special Council.

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Enclosure 2, in No. 17.

ANNO PRIMO VICTORIÆ REGINÆ.

Cap. 15.—AN ORDINANCE to enable the Governor, or Person administering the Government of this Province, to extend a Conditional Pardon, in certain cases, to Persons who have been concerned in the late Insurrection.

WHEREAS there is reason to believe, that among the persons concerned in the late treasonable insurrection in this province, there were some to whom the lenity of Government may not improperly be extended, on account of the artifices used by desperate and unprincipled persons, to seduce them from their allegiance: Be it therefore ordained and enacted, by the administrator of the government of this province, authorized to execute the commission of the Governor thereof, by and with the advice and consent of the Special Council for the affairs of the said province, constituted and assembled by virtue and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the reign of Her present Majesty, intituled, "An Act to make Temporary Provision for the Government of Lower Canada," and it is hereby ordained and enacted, that upon the petition of any person charged with high treason, committed in this province, preferred to the Governor or the person administering the government of this province, before the arraignment of such person, and praying to be pardoned for his offence, it shall and may be lawful for the Governor or person administering the government of the said province to grant, if it shall seem fit, a pardon to such person, in Her Majesty's name, upon such terms and conditions as may appear proper, which pardon being granted under the great seal of this province, and reciting in substance the prayer of such petition, shall have the same effect as an attainder of the person therein named for the crime of high treason, so far as regards the forfeiture of his estate and property, real and personal; provided always, that in case a pardon shall not be granted upon any such petition, no evidence shall be given of any admission or statement therein contained, upon any trial to be afterwards had.

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And be it further ordained and enacted, by the authority aforesaid, that in case any person shall be pardoned under this ordinance, upon condition of being transported, or of banishing himself from this province, either for life or for any term of years, such person, if he shall afterwards voluntarily return to this province, without lawful excuse, contrary to the condition of his pardon, shall be deemed guilty of felony, and shall suffer death, as in cases of felony.

And be it further ordained and enacted, by the authority aforesaid, that the provisions of this ordinance shall not extend, or be construed to extend, to such persons as have fled, or are still absent from this province, under a charge of high treason, and for whose apprehension a reward has been offered.

J. Colborne.

Ordained and enacted, by the authority aforesaid, and passed in Special Council, under the great seal of the province, at the Government-house, in the city of Montreal, the 4th day of May, in the first year of the reign of our Sovereign Lady Victoria, by the grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, in the year of our Lord 1838.

By his Excellency's command,

Wm. B. Lindsay, Clerk Special Council.

Enclosure 3, in No. 17.

ANNO PRIMO VICTORIÆ REGINÆ.

Cap. 16.—AN ORDINANCE to appropriate certain Sums of Money therein mentioned to the Encouragement of Education.

WHEREAS it is expedient to appropriate certain sums of money for the encouragement of education in this province: Be it therefore ordained and enacted by his Excellency the administrator of the government of this province, authorized to execute the commission of the Governor thereof, by and with the advice and consent of the Special Council for the affairs of the said province, constituted and assembled by virtue and under the authority of an

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an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the reign of Her present Majesty, intituled, "An Act to make temporary Provision for the Government of Lower Canada;" and it is hereby ordained and enacted, by the authority of the same, that it shall and may be lawful for the Governor, Lieutenant-governor, or person administering the government, by warrant under his hand, to take out of any unappropriated monies in the hands of the Receiver-general, a sum not exceeding 60 *l.* currency, to be paid to the acting members of the committee of management of the Montreal Recollet School Institution, towards maintaining the said school; and a further sum, not exceeding 100 *l.* currency, to be paid to the Society of Education at Three Rivers, towards maintaining their school; and a further sum, not exceeding 50 *l.* currency, to be paid to the society of the Montreal Infant School, towards maintaining the said institution; and a further sum, not exceeding 200 *l.* currency, to be paid to the committee of management of the British and Canadian School at Montreal, towards maintaining the said school; and a further sum, not exceeding 230 *l.* currency, to be paid to the Society of Education in the district of Quebec, as an aid towards maintaining their school; and a further sum, not exceeding 50 *l.* currency, to be paid to the said society, as an aid towards maintaining the girls' school lately established by their direction, and under the management of the Society of Ladies; and a further sum, not exceeding 200 *l.* currency, to be paid to the committee of management of the British and Canadian School at Quebec, for the following purposes; that is to say, a sum not exceeding 150 *l.* currency, towards maintaining their school for boys; and a sum, not exceeding 50 *l.* currency, towards maintaining their school for girls; and a further sum not exceeding 100 *l.* currency, to be paid to the trustees of St. Andrew's School at Quebec, as an aid towards maintaining their school; and a further sum, not exceeding 50 *l.* currency, to be paid to the committee of management of the Quebec Mechanics' Institute, as a gift for the present year; and a further sum not exceeding 50 *l.* currency, to be paid to the Literary and Historical Society of Quebec, as an aid towards defraying their unavoidable expenses during the present year; and a further sum, not exceeding 200 *l.* currency, to be paid to the trustees of the St. Jacques' School, Montreal, as a gift to the school under their management; and a further sum, not exceeding 111 *l.* 2s. 2d. currency, to be paid to the committee of management of the National School at Quebec, as an aid towards maintaining the said school; and a further sum of 111 *l.* 2s. 2d. currency, to pay the salary of the master of the National School at Montreal; and a further sum of 100 *l.* currency to the committee of the American Presbyterian Free School at Montreal, as an aid in support of the said school; and a further sum of 45 *l.* currency to pay the salary of the teacher of the school under the management of the Royal Institution at Three Rivers; and a further sum, not exceeding the sum of 200 *l.* currency, to be paid to the Rev. Messire Prince, of the College of St. Hyacinthe, as an aid to enable him to maintain the said institution; and a further sum, not exceeding 200 *l.* currency, to be paid to the Rev. Messire Mignault, founder of the college at Chambly, as an aid towards enabling him to maintain the said institution; and a further sum not exceeding 200 *l.* currency, to be paid to the Rev. Messire Mailloux, of the College of St. Anne de la Pocatière, as an aid to enable him to maintain the said institution; and a further sum, not exceeding 100 *l.* currency, to be paid to the trustees of the Academy of Charlestown, as an aid towards the maintenance of the said academy; and a further sum, not exceeding 100 *l.* currency, to the trustees of the Stanstead Seminary, as an aid towards maintaining the said establishment; and a further sum, not exceeding 100 *l.* currency, to be paid to the Society of Education at Berthier, as an aid towards maintaining their school; and a further sum, not exceeding 100 *l.*, to be paid to the Rev. Messire Labelle, of the College of L'Assomption, as an aid towards maintaining the said establishment.

And be it further ordained and enacted, by the authority aforesaid, that every person to whom shall be entrusted the expenditure of any portion of the monies hereby appropriated, shall make up detailed accounts of such expenditure, showing the sums advanced to the accountant, the sum actually expended, the balance, if any, remaining in his hands, and the amount of the monies hereby appropriated to the purpose for which such advance shall have been made, remaining unexpended in the hands of the Receiver-general; and that every such account shall be supported by vouchers therein distinctly referred to by numbers corresponding to the numbering of the items in such account, and shall be made up to and closed on the 10th day of April and 10th day of October in each year in which such expenditure shall be made, and shall be attested before a justice of the Court of King's Bench, or a justice of the peace, and shall be transmitted to the officer whose duty it shall be to receive such account within 15 days next after the expiration of the said periods respectively.

And be it further ordained and enacted, by the authority aforesaid, that the due application of the monies appropriated by this Act shall be accounted for to Her Majesty, her heirs, and successors, through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner and form as Her Majesty, her heirs, and successors shall direct.

J. Colborne.

Ordained and enacted, by the authority aforesaid, and passed in Special Council under the great seal of the province, at the Government-house, in the city of Montreal, the 4th day of May, in the first year of the reign of our Sovereign Lady Victoria, by the grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, and in the year of our Lord 1838.

By his Excellency's command,

W. B. Lindsay, Clerk Special Council.

Enclosure 4, in No. 17.

Anno Primo VICTORIÆ REGINÆ.

No. 17
Sir J. Colborne to
Lord Glenelg,
7 May 1837.

Cap. 17.—AN ORDINANCE to appropriate certain Sums of Money therein mentioned to the Support of certain Charitable Institutions, and for other Purposes.

Encl. 4, in No. 17.

WHEREAS it is expedient to appropriate certain sums of money for the purposes and towards the support of the establishments hereinafter mentioned; Be it therefore ordained and enacted, by the administrator of the government of this province, authorized to execute the commission of the Governor thereof, by and with the advice and consent of the Special Council for the affairs of the said province, constituted and assembled by virtue and under the authority of an Act of Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the reign of Her present Majesty, intituled, "An Act to make temporary Provision for the Government of Lower Canada," and it is hereby ordained and enacted, by the authority of the same, that it shall be lawful for the Governor, Lieutenant-governor, or person administering the government, to advance and pay from time to time, during the present year, by warrant under his hand, out of any unappropriated monies in the hands of the Receiver-general, the following sums for the several purposes hereinafter specified; that is to say, a sum not exceeding 658*l.* 6*s.* 8*d.* currency towards defraying the expense of supporting the insane persons in the cells of the General Hospital at Quebec from the 11th day of October 1836 to the 10th day of October 1837, inclusive; a sum not exceeding 511*l.* currency towards defraying the expense of supporting the sick and infirm boarders of the General Hospital of Quebec from the 11th day of October 1836 to the 10th day of October 1837, inclusive; a sum not exceeding 100*l.* currency towards the expense of furnishing the clothing required for the sick and infirm persons in the General Hospital at Quebec from the 11th day of October 1836 to the 10th day of October 1837, inclusive; a sum not exceeding 580*l.* currency towards defraying the expense of supporting the foundlings in the Hotel Dieu of Quebec from the 11th day of October 1836 to the 10th day of October 1837, inclusive; a sum not exceeding 15*l.* currency towards defraying the expense of furnishing the necessary clothing for the foundlings in the Hotel Dieu of Quebec from the 11th day of October 1836 to the 10th day of October 1837, inclusive; a sum not exceeding 200*l.* currency towards defraying the expense of maintaining the indigent sick persons in the hospital of the Hotel Dieu at Quebec from the 11th day of October 1836 to the 10th day of October 1837, inclusive; a sum not exceeding 600*l.* currency towards defraying the expense of supporting foundlings in the General Hospital of the Grey Nuns at Montreal from the 11th day of October 1836 to the 10th day of October 1837, inclusive; a sum not exceeding 220*l.* currency towards defraying the expense of supporting the insane persons in the cells of the General Hospital of the Grey Nuns at Montreal from the 11th day of October 1836 to the 10th day of October 1837, inclusive; a sum not exceeding 850*l.* currency towards defraying the current expenses of the corporation of the General Hospital at Montreal from the 11th day of October 1836 to the 10th day of October 1837, inclusive; a sum not exceeding 400*l.* currency towards defraying the expense of supporting the indigent sick persons in the convent of the Ursuline Nuns at Three Rivers, and of supporting the insane persons and foundlings under the charge of the commissioners for the said district, from the 11th day of October 1836 to the 10th day of October 1837, inclusive; a sum not exceeding the sum of 100*l.* currency as an aid to the lady managers of the Orphan Asylum established at Quebec; a sum not exceeding 75*l.* currency as an aid to the lady managers of the Orphan Asylum in the St. Roch suburb of Quebec; a sum not exceeding 100*l.* currency as an aid to the Lady's Charitable Society at Montreal towards supporting the orphans under their care; a sum not exceeding 100*l.* currency as an aid to the Lady's Benevolent Society at Montreal, towards supporting the widows and orphans under their protection; and, lastly, a sum not exceeding 100*l.* currency as an aid for the Orphan Asylum at Montreal.

And be it further ordained and enacted, by the authority aforesaid, that the said several sums may be advanced to the commissioners under whose superintendence the said institutions may respectively be at the time of the passing of this ordinance; provided always, that it shall be lawful for the Governor, Lieutenant-governor, or person administering the government to remove the said commissioners, or any of them, and appoint others in their stead, if he shall deem it expedient so to do.

And be it further ordained and enacted, by the authority aforesaid, that the said commissioners and their successors in office shall be and are hereby constituted the legal guardians (tuteurs) of the foundlings in the institution with reference to which they shall have been respectively appointed, and shall have the same powers as they would have if appointed to be such guardians in the ordinary course of law.

And be it further ordained and enacted, by the authority aforesaid, that every person to whom shall be entrusted the expenditure of any portion of the monies hereby appropriated shall make up detailed accounts of such expenditure, showing the sum advanced to the accountant, the sum actually expended, the balance, if any, remaining in his hands, and the amount of the monies hereby appropriated to the purpose for which such advance shall have been made, remaining unexpended in the hands of the Receiver-general; and that every such account shall be supported by vouchers therein distinctly referred to by numbers corresponding to the numbering of the items in such account, and shall be made up to and closed on the

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10th day of October and the 10th day of April in each year during which such expenditure shall be made, and shall be attested before a justice of the Court of King's Bench or a justice of the peace, and shall be transmitted to the officer whose duty it shall be to receive such account within 15 days next after the expiration of the said periods respectively.

And be it further ordained and enacted, by the authority aforesaid, that the due application of the monies appropriated by this Act shall be accounted for to Her Majesty, her heirs and successors, through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner and form as Her Majesty, her heirs and successors, shall direct.

J. Colborne.

Ordained and enacted, by the authority aforesaid, and passed in Special Council, under the great seal of the province, at the Government House, in the city of Montreal, the 4th day of May, in the first year of the reign of our Sovereign Lady Victoria, by the grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, in the year of our Lord 1838.

By his Excellency's command,

W. B. Lindsay,
Clerk Special Council.

Enclosure 5, in No. 17.

Anno Primo VICTORIÆ REGINÆ.

Cap. 18.—AN ORDINANCE to appropriate certain Sums of Money therein mentioned for the encouragement of Agriculture.

Encl. 5, in No. 17. WHEREAS it is expedient to appropriate certain sums of money for the encouragement of agriculture; Be it ordained and enacted, by the administrator of the government of this province authorized to execute the commission of the Governor thereof, by and with the advice and consent of the Special Council for the affairs of the said province, constituted and assembled by virtue and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the reign of Her present Majesty, intituled, "An Act to make Temporary Provision for the Government of Lower Canada;" and it is hereby ordained and enacted by the authority of the same, that it shall be lawful for the Governor, Lieutenant-governor, or person administering the government, to advance and pay by warrant or warrants, under his hand, and out of any unappropriated monies in the hands of the Receiver-general, for the encouragement of agricultural improvements during the present year 1838, a sum not exceeding 200*l.* currency to the Agricultural Society for the district of Quebec; a further sum, not exceeding the sum of 400*l.* currency, to the Agricultural Society of for the district of Montreal; a further sum, not exceeding 75*l.* currency, to the Agricultural Society for the district of Three Rivers; and a further sum, not exceeding the sum of 75*l.* currency, to the Aricultural Society for the district of Saint Francis.

And be it further ordained and enacted, by the authority aforesaid, that all the provisions and enactments of a certain Act, passed in the first year of the reign of his late Majesty King William the Fourth, intituled, "An Act to appropriate a certain Sum of Money therein mentioned for the Encouragement of Agriculture," relating to the manner, conditions, and regulations, in and under which the monies thereby appropriated are directed to be applied and expended, shall be and are hereby extended and shall apply to the appropriations of this ordinance.

And be it further ordained and enacted, by the authority aforesaid, that every person to whom shall be entrusted the expenditure of any portion of the monies hereby appropriated, shall make up detailed accounts of such expenditure, showing the sums advanced to the accountant, the sum actually expended, the balance (if any) remaining in his hands, and the amount of the monies hereby appropriated to the purposes for which such advance shall have been made remaining unexpended in the hands of the Receiver-general; and that every such account shall be supported by vouchers therein distinctly referred to, by numbers corresponding to the numbering of the items in such account; and shall be made up to and closed on the 10th day of October and the 10th day of April in each year during which such expenditure shall be made, and shall be attested before a justice of the Court of King's Bench or a justice of the peace, and shall be transmitted to the officer whose duty it shall be to receive such account, within 15 days next after the expiration of the said periods respectively.

And be it further ordained and enacted, by the authority sforesaid, that the due application of the monies appropriated by this Act shall be accounted for to Her Majesty, her heirs, and successors, through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner and form as Her Majesty, her heirs, and successors shall direct.

J. Colborne.

Ordained

AFFAIRS OF LOWER CANADA, &c.

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Ordained and enacted by the authority aforesaid, and passed in Special Council, under the great seal of the province, at the Government-house, in the city of Montreal, the 4th day of May, in the first year of the reign of our Sovereign Lady Victoria, by the Grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, in the year of our Lord 1838.

By his Excellency's command,

W. B. Lindsay, Clerk Special Council.

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Encl. 5, in No. 17.

Enclosure 6, in No. 17.

ANNO PRIMO VICTORIÆ REGINÆ.

Cap. 19.—AN ORDINANCE to provide for the more Speedy Attainder of Persons indicted for High Treason, who have fled from the Province, or remain concealed therein, to escape from Justice.

WHEREAS a wicked and unnatural rebellion against Her Majesty hath been raised and carried on within this province, and whereas divers persons who were concerned in such rebellion have fled from this province, or remain concealed therein, in order to escape from justice; and whereas it is expedient and necessary to provide for the speedy attainder of such persons, in order to deter others from the like high crimes and offences: Be it therefore ordained and enacted, by the administrator of the government of this province, authorized to execute the commission of the Governor thereof, by and with the advice and consent of the Special Council for the affairs of the said province, constituted and assembled by virtue and under the authority of an Act of the Parliament of the United Kingdom and Ireland, passed in the first year of the reign of Her present Majesty, intituled "An Act to make Temporary Provision for the Government of Lower Canada;" and it is hereby ordained and enacted, that from and after the passing of this ordinance, in case any indictment shall be found by a grand jury, at and before any court of competent jurisdiction in this province, against any person or persons for high treason, misprision of high treason, or treasonable practices, and when the sheriff shall make return to any warrant or *capias* that may issue thereupon, that such persons, or any of them, is, or are not to be found in his district, it shall and may be lawful for the Governor of this province, or the person administering the government thereof, by and with the advice of the Executive Council, immediately upon the making of such return, to issue a proclamation, to be published not less than six weeks, in the Quebec Gazette, calling upon and requiring the person or persons, against whom any such indictment shall have been found, to surrender himself, or themselves, to the custody of the sheriff of the district within which the court before which such indictment or indictments were found was held by a day, to be within the said proclamation named, such day not to be less than three calendar months from the first publication of such proclamation in the Gazette; and if such person or persons shall not, by the day in such proclamation named, surrender themselves to the custody aforesaid, and submit to justice, then, and in such case, they, and every of them, after the day in such proclamation named, shall stand and be adjudged attainted of the crime expressed and set forth in such indictment or indictments, and shall suffer and forfeit, as a person attainted of such crime ought to suffer and forfeit, by, and according to, the laws of this province.

Encl. 6, in No. 17.

And be it further ordained and enacted, by the authority aforesaid, that the justices of all and every court of oyer and terminer at which any such indictment shall be found as aforesaid, shall, upon the return of the sheriff that the person or persons named in such indictment is or are not to be found within the district of such sheriff, certify the said indictment and the proceedings thereon, into the court of King's Bench for the district in which such court of oyer and terminer shall be held, or shall have been holden; and it shall be the duty of every such sheriff, at the expiration of the time limited in such proclamation, to make a return to the court of King's Bench for the district of which he is sheriff of the names of all and every such person or persons who being named in any such proclamation as aforesaid, shall not have surrendered themselves to the custody of the said sheriff, pursuant to the exigency of such proclamation; and such court of King's Bench shall during the term, in or before which such last-mentioned return shall be made, direct judgment of attainder against all and every such person or persons to be entered on record.

Provided always, and be it further ordained and enacted, by the authority aforesaid, that if any person, against whom any such judgment of attainder shall have been entered, shall within three calendar months next after the day of entry of such judgment, surrender himself to the custody of the sheriff of the district in which such judgment of the court of King's Bench had been entered up, and by the oath of two credible witnesses shall establish, to the satisfaction of the court of King's Bench, that such person was actually and *bonâ fide* prevented from surrendering himself pursuant to the exigency of such proclamation, by reason of absence beyond seas, sickness, or other inevitable necessity, then, and in such case, it shall and may be lawful for the court of King's Bench of such district in which such judgment has been entered up, to reverse the said judgment of attainder, and to transmit the indictment or indictments to any court of oyer and terminer, to be held in and for the district wherein such indictment or indictments was or were found, and such person so surrendering shall

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shall be tried for the offence charged in such indictment in like manner as if no such judgment of attainder had been entered.

J. Colborne.

Ordained and enacted, by the authority aforesaid, and passed in Special Council under the great seal of the province, at the Government-house, in the city of Montreal, the 4th day of May, in the 1st year of the reign of our Sovereign Lady Victoria, by the Grace of God, of Great Britain and Ireland Queen, Defender of the Faith, and so forth, and in the year of our Lord 1838.

By his Excellency's command,

W. B. Lindsay, Clerk Special Council.

Enclosure 7, in No. 17.

ANNO PRIMO VICTORIÆ REGINÆ.

Cap. 20.—AN ORDINANCE for preventing mischiefs arising from the Printing and Publishing Newspapers, Pamphlets, and Papers of like nature, by Persons not known, and for other Purposes.

Encl. 7, in No. 17.

WHEREAS it is expedient that regulations should be provided touching publications of the nature hereinafter mentioned; Be it therefore ordained and enacted, by the administrator of the government of Lower Canada, authorized to execute the commission of the Governor thereof, by and with the advice and consent of the Special Council for the affairs of the said province, constituted and assembled by virtue and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the reign of Her present Majesty, intituled, "An Act to make Temporary Provision for the Government of Lower Canada;" and it is hereby ordained and enacted, that no person shall, after 30 days from the passing of this ordinance, print or publish, or cause to be printed or published in this province, any newspaper, pamphlet, or other paper containing public news or intelligence, or serving the purpose of a newspaper, or for the purpose of posting or general circulation in detached pieces as such newspaper, until an affidavit or affidavits, or affirmation or affirmations, made and signed as hereinafter mentioned, shall be delivered to the clerk or clerks of the peace for the district in which such newspaper or pamphlet, or other paper, shall be printed or published, containing the several matters and things hereinafter for that purpose specified and mentioned.

And be it further ordained and enacted, by the authority aforesaid, that such affidavit or affidavits, affirmation or affirmations, shall specify and set forth the real and true names, additions, descriptions, and places of abode, of all and every person or persons who is or are, or who is or are intended to be, the printer and printers, publisher and publishers of the newspaper, pamphlet, or other, paper mentioned in such affidavit or affidavits, affirmation or affirmations, and of all the proprietors of the same, if the number of such proprietors, exclusive of the printer and publisher, does not exceed two; and in case the same shall exceed such number, then of two such proprietors, exclusive of the printer and publisher, and also the amount of the proportioned shares of such proprietors in the property of the newspaper, pamphlet, or other paper, and the true description of the house or building wherein any such newspaper, pamphlet, or other paper is intended to be printed, and likewise the titles of such newspaper, pamphlet, or other paper.

Provided always, and be it further ordained and enacted, by the authority aforesaid, that in every case where the number of such proprietors, exclusive of the printer and publisher, does not exceed two, the names of two proprietors the amount of each of whose proportional shares in the property of such newspaper, pamphlet, or other paper, shall not be less than the proportional share of any other proprietor, exclusive of the printer and publisher, shall be specified and set forth in such affidavit or affidavits, affirmation or affirmations.

And be it further ordained and enacted, by the authority aforesaid, that an affidavit or affirmation, affidavits or affirmations of the like import, shall be made, signed and given in like manner as often as any of the printers, publishers, or proprietors named in such affidavits or affirmations shall be changed, or shall change their respective places of abode, or their printing-house, place, or office, and as often as the title of the newspaper, pamphlet or other paper shall be changed.

And be it further ordained and enacted, by the authority aforesaid, that every such affidavit or affirmation shall be in writing, and signed by the person or persons making the same, and shall be taken by any justice of the peace for the district, in which such newspaper, pamphlet, or other paper shall be printed or published.

And be it further ordained and enacted, by the authority aforesaid, that where the persons concerned as printers and publishers of any newspaper, pamphlet, or other such paper as aforesaid, together with such number of proprietors as are hereinbefore required to be named in such affidavits or affirmations as aforesaid, shall not altogether exceed the number of four persons, the affidavit or affirmation hereby required shall be sworn or affirmed, and signed by all the said persons who are adult; and when the number of all such persons shall

shall exceed four, the same shall be signed and sworn or affirmed by four of such persons, if so many of them are adult, or by so many of them as are adult; but the same shall contain the real and true names, descriptions, and places of abode of all and every person and persons, who is and are, or is and are intended to be the printer and printers, publisher and publishers, and of so many of the proprietors as are hereinbefore for that purpose mentioned, of such newspaper, pamphlet, or other such paper as aforesaid; and the person and persons so signing and swearing or affirming to the truth of such affidavit or affirmation in the last-mentioned case, shall and are hereby required to give notice within eight days after such affidavit or affirmation shall be so delivered as aforesaid, to each of the persons not signing and swearing or affirming such affidavit or affirmation, but named therein as a proprietor, printer, or publisher of such newspaper, pamphlet, or other paper as aforesaid, that he or they are so named therein; and in case of neglect to give such notice, each and every person who has so signed and sworn or affirmed such affidavit or affirmation shall forfeit and lose the sum of 20*l*.

And be it further ordained and enacted, by the authority aforesaid, that if any person shall knowingly or wilfully print or publish, or cause to be printed and published, or shall knowingly and wilfully, either as a proprietor thereof or otherwise, sell, vend, or deliver out any newspaper, pamphlet, or other such paper as aforesaid, such affidavit or affirmation containing such matters and things as are required by this ordinance to be therein contained, not having been duly signed, sworn, or affirmed and delivered, and as often as by this ordinance is required, or any other matter or thing required by this ordinance to be done or performed according to this ordinance not having been done or performed, such person shall forfeit and lose the sum of 5*l*.

And be it further ordained and enacted, by the authority aforesaid, that if any person or persons making such affidavit or affirmation, as in and by this ordinance is required to be made, shall knowingly and wilfully insert and set forth therein the name or names, addition or additions, place or places of abode of any person as proprietor, publisher, or printer of any newspaper, or other such pamphlet or paper as aforesaid, to which such affidavit or affirmation relates, who is not a proprietor, printer, or publisher thereof; or shall knowingly or wilfully omit to mention in such affidavit or affirmation, the name or names addition or additions, and place or places of abode of any of the proprietors, printers, or publishers thereof, contrary to the true meaning of this ordinance, or shall knowingly and wilfully, in any other manner or respect, set forth in such affidavit or affirmation any matter or thing by this ordinance required to be set forth, otherwise than according to the truth, or shall knowingly and wilfully omit to set forth therein, according to the truth, any matter or thing required by this ordinance to be therein set forth, every person so offending shall be liable to the pains and penalties to which persons are liable for wilful and corrupt perjury.

And be it further ordained and enacted, by the authority aforesaid, that all such affidavits and affirmations as aforesaid shall be filed and kept and preserved by the clerk or clerks of the peace for the district in which such newspaper, pamphlet, or other paper shall be printed or published, and the same, or copies thereof certified to be true copies as hereinafter is mentioned, shall respectively in all proceedings civil and criminal touching any newspaper or other such pamphlet or paper as aforesaid, which shall be mentioned in any such affidavits or affirmations, or touching any publication, matter, or thing contained in any such newspaper, pamphlet, or paper as aforesaid, be received and admitted as conclusive evidence of the truth of all such matters set forth in such affidavits or affirmations, as are hereby required to be therein set forth against every person who shall have signed and sworn or affirmed such affidavits or affirmations, and shall also be received and admitted in like manner as sufficient evidence of the truth of all such matters against all and every person who shall not have signed or affirmed the same, but who shall be mentioned therein to be a proprietor, printer, or publisher of such newspaper, pamphlet, or other paper, unless the contrary shall be satisfactorily proved; provided always, that if any such person or persons respectively, against whom any such affidavit or affirmation, or any copy thereof, shall be offered in evidence, shall prove that he, she, or they hath or have signed, sworn, or affirmed and delivered to the clerk or clerks of the peace of the district, previous to the day of the date or publication of the newspaper, pamphlet, or other such paper as aforesaid, to which the proceedings civil or criminal shall relate, an affidavit or affirmation that he, she, or they hath or have ceased to be the printer or printers, proprietor or proprietors, or publisher or publishers of such newspaper, pamphlet, or such paper as aforesaid, such person or persons shall not be deemed, by reason of any former affidavit or affirmation so delivered as aforesaid, to have been the printer or printers, or publisher or publishers of such newspaper, pamphlet, or other paper after the day on which such last-mentioned affidavit or affirmation shall have been delivered to the clerk or clerks of the peace.

And be it further ordained and enacted, by the authority aforesaid, that in some part of every newspaper, pamphlet, or other such paper as aforesaid, there shall be printed the true and real name and names, addition and additions, and place and places of the abode of the printer and printers, and publisher and publishers of the same, and also a true description of the place where the same is printed; and in case any person or persons shall knowingly and wilfully print or publish, or cause to be printed or published, any such newspaper, pamphlet, or other paper as aforesaid, not containing the particulars as aforesaid and every of them, every such person shall forfeit and lose the sum of 20*l*., and that proof in the manner hereinafter mentioned, in any proceeding to recover the same, that the person proceeded against is a printer or publisher of a newspaper, pamphlet or other

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other such paper so printed or published as aforesaid, shall be deemed and taken to be proof that such party is a person wilfully and knowingly printing or publishing the same, or causing the same to be printed or published, unless he shall satisfactorily prove the contrary thereof.

And be it further ordained and enacted, by the authority aforesaid, that it shall not be necessary, after any such affidavit or affirmation, or a certified copy thereof, shall have been produced in evidence as aforesaid, against the persons who made and signed such affidavit or affirmation, or are therein named according to this ordinance, or any of them, and after a newspaper, pamphlet, or other such paper as aforesaid, shall be produced in evidence, intituled in the same manner as the newspaper, pamphlet, or other paper mentioned in such affidavit or affirmation, or copy is intituled, and wherein the name or names of the printer and publisher, or printers and publishers, and the place of printing, shall be the same as the name or names of the printer and publisher, or printers and publishers, and the place of printing mentioned in such affidavit or affirmation, for the plaintiff, informant, or prosecutor, or person seeking to recover any of the penalties given by this ordinance, to prove that the newspaper, pamphlet, or paper to which such suit or trial relates, was purchased at any house, shop, or office belonging to, or occupied by the defendant and defendants, or any of them, or by his or their servants or workmen, or where he or they, by themselves, or their servants or workmen, usually carry on the business of printing or publishing such newspaper, pamphlet, or other such paper, or where the same is usually sold.

And be it further ordained and enacted, by the authority aforesaid, that the clerk or clerks of the peace of each and every of the districts of this province, by whom such affidavits and affirmations, or any of them, shall be kept according to the directions of this ordinance, shall and they are hereby required upon application made to them, or any of them, by any person or persons requiring a copy, certified according to this ordinance, of any such affidavit or affirmation as aforesaid, in order that the same may be produced in any civil or criminal proceeding, to deliver to the person so applying for the same such certified copy, he or they paying for the same the sum of 1s. and no more.

And be it further ordained and enacted, by the authority aforesaid, that in all cases a copy of such affidavit or affirmation, certified to be a true copy under the hand of the clerk or clerks of the peace possessing the same, shall be received in evidence as sufficient proof of such affidavit or affirmation, and that the same was duly sworn or affirmed, and of the contents thereof, and that such copies so produced and certified shall also be received as evidence that the affidavits or affirmations of which they purport to be copies, have been sworn or affirmed according to this ordinance, and shall have the same effect for the purposes of evidence to all intents whatsoever as if the original affidavits or affirmation of which the copies so produced and certified shall purport to be copies had been produced in evidence, and been proved to have been duly so certified, sworn, and affirmed by the person or persons appearing by such copies to have sworn or affirmed the same as aforesaid.

And be it further ordained and enacted, by the authority aforesaid, that all fines, penalties, and forfeitures shall be recovered by action of debt in the Court of King's Bench for the district in which the offence or offences against the provisions of this ordinance shall be committed, and that the money arising by all such fines, penalties, and forfeitures shall be, as to one moiety thereof, to and for the use of our Sovereign Lady the Queen, her heirs, and successors, and as to the other moiety thereof, to and for the use of the person who shall inform or sue for the same.

And be it further ordained and enacted, by the authority aforesaid, that this ordinance shall continue and be in force until the 1st day of November, which shall be in the year of our Lord 1840, and no longer.

J. Colborne.

Ordained and enacted, by the authority aforesaid, and passed in Special Council, under the great seal of the province, at the Government-house, in the city of Montreal, the 4th day of May, in the first year of the reign of our Sovereign Lady Victoria, by the grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, in the year of our Lord 1838.

By his Excellency's command,

Wm. B. Lindsay, Clerk Special Council.

Enclosure 8, in No. 17.

ANNO PRIMO VICTORIÆ REGINÆ.

Cap. 21.—AN ORDINANCE to authorize the Payment of certain Monies due by the Commissioners for the Erection of a Common Gaol in the District of Montreal.

Encl. 8, in No. 17. WHEREAS it is expedient to appropriate certain sums of money to pay certain sums due and owing by the commissioners for the erection of a common gaol in the district of Montreal, appointed under and in virtue of an Act of the Legislature of this province, passed in the

the 10th and 11th years of the reign of his late Majesty King George the Fourth, intituled, "An Act to provide for the Erection of a Common Gaol in the District of Montreal;" be it therefore ordained and enacted, by his Excellency the administrator of the government of the said province, authorized to execute the commission of the Governor thereof, by and with the advice and consent of the Special Council for the affairs of the said province, constituted and assembled by virtue and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the reign of Her present Majesty, intituled, "An Act to make Temporary Provision for the Government of Lower Canada;" and it is hereby ordained and enacted, by the authority of the same, that it shall be lawful for the Governor, Lieutenant-governor, or person administering the government of this province, by warrant or warrants under his hand, to take out of any unappropriated monies in the hands of the Receiver-general the sum of 145*l.* currency, to be applied to pay to Gibault and M'Grath, masons, or to their heirs, representatives, or assigns, a like sum due to them by the said commissioners; and a further sum of 351*l.* 5*s.* 8*d.* currency, to be applied to pay to Robert Morton, carpenter, or to his heirs, representatives, or assigns, a like sum, due to him by the said commissioners; and the further sum of 299*l.* 9*s.* 6*d.* currency, to be applied to pay to the Waterworks Company of Montreal a like sum, due to them by the said commissioners; and the further sum of 14*l.* 15*s.* currency, to be applied to pay to George Plowse, tin-smith, or his heirs, representatives, or assigns, a like sum, due to him by the said commissioners; and the further sum of 35*l.* 9*s.* 9*d.* currency, to be applied to pay to Sutherland and Burnett, blacksmiths, or their heirs, representatives, or assigns, a like sum, due to them by the said commissioners; and the further sum of 100*l.* currency, to be applied to pay to John Wells, architect, or to his heirs, representatives, or assigns, a like sum, due to him by the said commissioners.

And be it further ordained and enacted, by the authority aforesaid, that the due application of the monies appropriated by this Act shall be accounted for to Her Majesty, her heirs, and successors, through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner and form as Her Majesty, her heirs and successors, shall direct.

J. Colborne.

Ordained and enacted, by the authority aforesaid, and passed in Special Council under the great seal of the province, at the Government-house, in the city of Montreal, the 4th day of May, in the first year of the reign of our Sovereign Lady Victoria, by the grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, and in the year of our Lord 1838.

By his Excellency's command,

W. B. Lindsay, Clerk Special Council.

Enclosure 9, in No. 17.

ANNO PRIMO VICTORIÆ REGINÆ.

Cap. 22.—AN ORDINANCE to provide for the better Defence of this Province, and to regulate the Militia thereof.

WHEREAS it is expedient to provide by law for the co-operation of the effective male population of this province for its defence, in case of war, invasion, insurrection, or of the imminent danger thereof, and for the greater security of public order and tranquillity in time of peace; Be it therefore ordained and enacted, by his Excellency the administrator of the government of the said province, authorized to execute the commission of Governor thereof, by and with the advice and consent of the Special Council for the affairs of the said province, constituted and assembled by virtue and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the reign of Her present Majesty, intituled, "An Act to make temporary Provision for the Government of Lower Canada," and it is hereby ordained and enacted, by the authority aforesaid, that every able-bodied male inhabitant of this province above 18 years and under 60 years of age, being a British subject, and having resided in the province more than six months, and not being in Her Majesty's naval or military service, or actually serving or enrolled for service in the volunteer force of this province, shall be liable to serve as a militia-man for the defence of the province and of the public order and tranquillity thereof, unless he be specially exempt from such service by law.

Encl. 9, in No. 17

And it is further ordained and enacted, by the authority aforesaid, that all clergymen and religious teachers, the members and officers of the Legislative Council, of the Assembly, of the Special Council, of the Executive Council of this province, the judges, advocates, sheriffs, coroners, constables, and officers of the courts of justice, the secretary of the Governor, or person administering the government, and his assistants, the secretary of the province, the Receiver-general, the inspector-general of accounts, the surveyor-general, the inspector of the Queen's domain, the grand voyers of the several districts of the province and their deputies, the collector, comptroller, and officers of the Customs, the postmaster-general and his deputies, officers of Her Majesty's navy and army on half-pay, persons actually being in the

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volunteer force of this province, and persons having served as officers in the militia or volunteer force before the passing of this Act, physicians and surgeons, notaries, land surveyors, ferrymen duly licensed as such, millers, schoolmasters having above 20 scholars in regular attendance, stewards of religious communities, and all students attending in seminaries, colleges, schools, and academies, and having attended as such students at least six months previous to the time at which they might otherwise be called upon to do militia duty, shall be exempt from serving as militia-men.

And it is further ordained and enacted, by the authority aforesaid, that the militia of this province shall be commanded by such officers as the Governor, Lieutenant-governor, or person administering the government shall appoint; and the persons enrolled therein shall be formed into companies and battalions in the several cities, towns, parishes, townships, and extra-parochial places and counties in which they shall be respectively resident; provided always, that the said counties be the counties described in the Act of the Provincial Legislature of this province passed in the ninth year of the reign of his late Majesty King George the Fourth, intituled, "An Act to make a new and more convenient Subdivision of the Province into Counties, for the purpose of effecting a more equal Representation thereof in the Assembly than heretofore."

And be it further ordained and enacted, by the authority aforesaid, that the proportion of the number of officers to the number of privates shall not be greater in the said militia than in Her Majesty's army, and every officer in the said militia shall be resident within the limits of his command.

And be it further ordained and enacted, by the authority aforesaid, that every captain or officer commanding a company of militia shall, as soon as conveniently may be, fix a time or times and place for enrolling all the militia-men who reside within the limits which shall be assigned for his company by the colonel or field-officer commanding the militia of the district or battalion, of which time or times and place each captain or officer commanding a company shall give, or cause to be given, public notice at the door of the parish church or other public places of Divine worship within the parish, township, or extra-parochial place, on a Sunday immediately after Divine service in the morning, which time of meeting shall be, if in the county, either on a Sunday or holiday, or if in the cities or towns, on a day or days which in all cases shall not be less than seven days after that on which the public notice shall be given; and every militia-man who, after public notice so given, shall not either present himself in person, and give in his name, age, and place of residence, or cause his name, age, and place of residence to be made known in some certain way to the captain or other officer of the company attending at the time and place so fixed, so as such militia-man may be enrolled, shall for such neglect incur the penalty hereinafter mentioned and provided; and every militia-man who shall remove out of the limits assigned for the company in which he is or ought to be enrolled, and shall not, within 10 days after his arrival at the place of his new residence, or where he shall hire himself, either present himself for enrolment or cause his name, age, and place of residence, with that from whence he last removed, to be made known as aforesaid to the captain, or, in his absence, to the senior officer commanding the company of militia of such place, so as that he may be enrolled, shall for such neglect incur the penalty hereinafter mentioned and provided; and every person in this province who shall not, within one month after he shall have attained the age of 18 years, either present himself for enrolment or cause his name, age, and place of residence to be made known as aforesaid, so that he may be enrolled in the company of militia of the limits wherein his place of residence may be, shall for such neglect incur the penalty hereinafter mentioned and provided; and every man within the age above described who shall come to reside in this province, and shall not, within three months after his arrival therein, either present himself for enrolment or cause his name, age, and place of residence to be made known as aforesaid, so as that he may be enrolled in the company of militia of the limits wherein his place of residence may be, shall, for such neglect, incur the penalty hereinafter mentioned and provided; provided always, and it is further ordained and enacted, by the authority aforesaid, that the neglect of the person in either of the cases hereinbefore specified, so to present himself for enrolment, or to cause himself to be made known in some certain way, so as to be enrolled, shall not be construed to prevent the captain of the company of militia of the limits wherein the place of residence of any such person may be, from entering the name, and such captain is hereby required to enter the name of every such person as shall come to his knowledge upon the roll of his company, and when so entered, every such person shall be subject to perform all and every the like militia duties, and under the same penalties, as if he had personally presented himself for enrolment; provided also, that if any difference shall arise betwixt a captain and a militia-man, touching the age of such militia-man, it shall be incumbent on the said militia-man to prove his age.

And be it further ordained and enacted, by the authority aforesaid, that the officers by whom such enrolment shall be made, shall, at the time of making the first enrolment, give sufficient notice to each militia-man of the time and place appointed by law for the ensuing muster.

And be it further ordained and enacted, by the authority aforesaid, that the several companies of the said militia shall muster annually on the 29th day of June, between the hours of 11 o'clock in the forenoon and noon, at or near the church in their respective parishes or townships, or extra-parochial places, or, if there is no church, then at some other place within their respective parishes, townships, or extra-parochial places, of which sufficient notice shall be given; and in the cities of Quebec and Montreal, and Town of Three Rivers, the said muster shall be held at seven o'clock in the morning, and a true return of the militia-men present at every such

such muster, shall be made without delay to the Governor or person administering the government, by the commanding officer of the battalion to which such companies shall respectively belong. Provided always, that whenever the 29th day of June shall happen on a Sunday, the commanding officer may, if he shall deem it expedient, appoint any day and hour in the ensuing week for such muster, giving sufficient notice thereof to each militia-man before the said 29th day of June, by the captains or officers commanding companies, in the manner prescribed by the 5th section of this ordinance.

And be it further ordained and enacted, by the authority aforesaid, that a sufficient number of blank forms of returns shall be forwarded by order of the Governor, Lieutenant-governor, or person administering the government, to the commanding officers of battalions, to enable them to make their returns for the several parishes, townships or extra-parochial places, included within the limits in which the militia-men composing their respective battalions are resident.

And be it further ordained and enacted, by the authority aforesaid, that in case of war with the United States of America, or of invasion, insurrection, or imminent danger thereof, it shall be lawful for the Governor or person administering the government, to order out from amongst the officers of the several companies of the said militia throughout the province, and from amongst the unmarried militia-men under 30 years of age, a number not exceeding one-fifth of the whole, who shall be drawn by ballot, or commanded at the discretion of the officer commanding the battalion, for the purpose of being trained, and shall serve during a time not exceeding six calendar months, for the defence of the province and for the maintenance of good order and security thereof.

Provided always, and be it further ordained and enacted, by the authority aforesaid, that every man so called out or commanded to be trained, and to serve as aforesaid, may in his stead provide a good and sufficient substitute, being a militia-man in the same battalion with himself, and subject to the approbation of the commanding officer of the detachment, in which he shall have been called out to serve, and if such substitute shall be approved, and shall agree to perform the duty to which the militia-man presenting him would otherwise be subject, the said militia-man shall be discharged therefrom, and the said substitute shall serve in his stead, in the same manner and under the same penalties as if he had himself been balloted for or commanded for such service.

And be it further ordained and enacted, by the authority aforesaid, that the militia so ordered out shall be under the same rules and regulations as at present in force, and shall be paid and provided for in every respect as Her Majesty's army, but shall not be liable to corporal punishment; and all courts-martial held for the trial of any person serving in the militia so ordered out shall be composed exclusively of militia officers, and shall be subject to the same rules and forms of proceeding as courts-martial in Her Majesty's army.

And be it further ordained and enacted, by the authority aforesaid, that all the officers of Her Majesty's navy or army, serving with the militia so ordered out, shall be held to be senior in rank to the officers of militia of their respective grades.

And be it further ordained and enacted, by the authority aforesaid, that all or any part of the militia in any parish, township, extra-parochial place or county, may be ordered out by the civil authority in execution of the laws, on an order in writing addressed to the officer in command in such parish, township, extra-parochial place or county, and that the militia in any parish, township, extra-parochial place or county, may be ordered out by the Governor or person administering the government, in case the county in which the militia so ordered out are resident, or an adjoining county being actually invaded or in a state of insurrection; and the militia so ordered out shall serve until such invasion shall be repelled, or such insurrection suppressed; and the militia so ordered out by the civil authority, or by the Governor or person administering the government, in case of invasion or insurrection, shall be subject to the same rules and regulations as if ordered out under the 9th section of this ordinance.

And be it further ordained and enacted, by the authority aforesaid, that all persons holding ferries or bridges that may be on the public high roads, shall be held to carry all militia-men or officers of militia, as also their baggage, effects, munitions, and implements of war, in the execution of their duty as such; and also on their immediate return from the execution thereof, with any person or persons under their charge or in their custody, and also the necessary conveyance over every such ferry, and to permit them to pass over every such bridge, free of all charges of ferryage or toll whatsoever.

And be it further ordained and enacted, by the authority aforesaid, that every militia-man not being at the time ordered out or embodied for actual service, shall for each and every act of disobedience to the provisions ordained in the 5th section of this ordinance, or to other the provisions of this ordinance, or to the lawful commands of his officer or officers, acting in the execution of their duty under the same, on conviction thereof, before any two justices of the peace in special sessions convened, and publicly held for that purpose, incur such penalty not exceeding 20 s., nor less than 5 s. currency, as in the discretion of the said justices shall be proportioned to the nature of the offence, with costs against such militia-man; and if such fine be not paid in eight days after conviction, the said militia-man shall be by such justices committed to the common gaol until such fine shall have been paid, and such justices shall without delay transmit the amount of the penalty when paid to the officer commanding the battalion to which such militia-man shall belong, and such officer shall enter the same on his return to the Governor or person administering the government.

And be it further ordained and enacted, by the authority aforesaid, that all penalties so received by any officer commanding a battalion shall be by him applied to such militia purposes,

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poses, and shall be accounted for in such manner as the Governor or person administering the government shall direct, and an account of all sums so received, and of the manner in which the same shall have been applied, shall, when required, be submitted to the Governor, Lieutenant-governor, or person administering the government of the province.

And be it further ordained and enacted, by the authority aforesaid, that an ordinance of the Governor and Legislative Council of the province of Quebec, made and passed in the 27th year of the reign of his late Majesty King George the Third, intituled, "An Ordinance for regulating the Militia of the Province of Quebec, and rendering it of more general utility towards the preservation and security thereof;" and another ordinance of the said Governor and Legislative Council, made and passed in the 29th year of the reign of the said late King George the Third, intituled, "An Act or Ordinance to explain and amend an Act, intituled, 'An Act or Ordinance for better regulating the Militia of this Province, and rendering it of more general utility towards the preservation and security thereof,'" be repealed, and the same are hereby repealed for and during the continuance of this ordinance.

And be it further ordained and enacted, by the authority aforesaid, that the due application of all monies received under the authority of this ordinance shall be accounted for to Her Majesty, Her heirs and successors, through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner and form as Her Majesty, Her heirs and successors, shall please to direct.

And be it further ordained and enacted, by the authority aforesaid, that this ordinance shall remain in force until the 1st day of May 1840, and no longer.

J. Colborne.

Ordained and enacted, by the authority aforesaid, and passed in Special Council, under the great seal of the province, at the Government-house in the city of Montreal, the 5th day of May, in the first year of the reign of our Sovereign Lady Victoria, by the grace of God Queen, defender of the faith, and so forth, in the year of our Lord 1838.

By his Excellency's command,

W. B. Lindsay, Clerk Special Council.

Enclosure 10, in No. 17.

ANNO PRIMO VICTORIÆ REGINÆ.

Cap. 23.—AN ORDINANCE to authorize the Commissioners appointed under a certain Act of the Legislature of this Province therein mentioned to borrow a further Sum of Money, to be applied to the Improvement and Enlargement of the Harbour of Montreal, and for other purposes.

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WHEREAS it is necessary to provide further for more fully carrying into effect a certain Act of the Legislature of this province, passed in the 10th and 11th years of the reign of His late Majesty George the Fourth, intituled, "An Act to provide for the Improvement and Enlargement of the Harbour of Montreal," and a certain other Act of the Legislature of this province, passed in the 2d year of the reign of His late Majesty William the Fourth, intituled, "An Act to authorize the Commissioners appointed under a certain Act therein mentioned to borrow a further Sum of Money, to be applied to the Improvement and Enlargement of the Harbour of Montreal, and for other purposes;" be it therefore ordained and enacted by the Administrator of the Government of this province, authorized to execute the commission of the Governor thereof, by and with the advice and consent of the Special Council for the affairs of the said province, constituted and assembled by virtue and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the 1st year of the reign of Her present Majesty, intituled, "An Act to make Temporary Provision for the Government of Lower Canada;" and it is hereby ordained and enacted, by the authority aforesaid, that it shall be lawful for the commissioners appointed under the authority of the said Acts, for the purpose of defraying the expenses attending the execution of the work mentioned in the said Acts, to borrow, with the approbation and consent of his Excellency the Governor, or the administrator of the government of this province for the time being, from time to time, at the legal rate of interest, or on more advantageous terms if it be in their power, and as the same may become necessary for the purposes aforesaid, any sum or sums of money not exceeding in the whole 40,000 £. currency over and above the sums which the said commissioners are by the said Acts, or by a certain other Act of the said Legislature, passed in the 1st year of the reign of His late Majesty King William the Fourth, authorized to borrow for the said purpose.

And be it further ordained and enacted, by the authority aforesaid, that it shall and may be lawful for the said commissioners, from and after the passing of this Act, in the improvement and enlargement of the said harbour of Montreal, to proceed to the entire execution of the plan of Captain Piper, of which mention is made in the 2d section of the aforesaid Act first above mentioned, and to the completion of all and every the works which may be necessary for such entire execution of the said plan.

And be it further ordained and enacted, by the authority aforesaid, that it shall and may be lawful for the said commissioners to carry on the level of Commissioner-street, and the prolongation

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longation thereof, according to the plan and level of Captain Piper hereinbefore mentioned, and from and out of the monies to be borrowed as aforesaid to indemnify any proprietor or proprietors of buildings and dwellings for any injury or damage which they may sustain in consequence of such alteration in the levels.

And whereas it is expedient that provision should be made for the due payment of the interest of the money so borrowed until the work shall be executed, and wharfage and other dues collected, out of which the said interest may be paid; be it therefore further ordained and enacted, that it shall be lawful for the Governor, Lieutenant-governor, or person administering the government of this province, to authorize, by warrant under his hand, the advances to the said commissioners of such sums out of the unappropriated monies in the hands of the Receiver-general as may be necessary to enable the said commissioners to pay the said interest; and such advances shall be made in the months of January and of July in each and every year, and the said commissioners shall immediately pay over the sums of money so advanced to the persons to whom such interest may be due.

And whereas it may be deemed necessary and expedient for the greater improvement, utility, and convenience of the said harbour, and for the more easy communication between the city and the harbour, that certain dwelling-houses, land, and premises erected and being on the south side of the Old Market-place, and between the said market-place and the river, should be purchased and vested in the said commissioners, and their successors, for the purposes of the said Acts and of this ordinance; and also that certain pieces and parcels of land contiguous to the said harbour should be in like manner purchased and vested as aforesaid, for the purpose of widening and prolonging the street called Commissioner-street, in front of the said harbour; be it therefore further ordained and enacted, by the authority aforesaid, that the said commissioners, or their successors, at any time or times hereafter, may and they are hereby authorized and empowered to contract, compound, compromise, and agree with the owners and occupiers of the said dwelling-houses, land, and premises, pieces and parcels of land, or any part of them, for the purchase thereof; and it shall and may be lawful for all persons whomsoever, bodies politic and corporate, guardians, curators, fiduciary legatees, and trustees whatsoever, for themselves, their heirs and successors, and for and on behalf of those whom they represent, or for whom they act, whether infants, lunatics, idiots, *femmes couvertes*, or other person or persons whomsoever, who are or shall be seized of, or possessed of, or entitled to such dwelling-houses, land and premises, pieces and parcels of land as aforesaid, to contract for, sell, and convey the same to the said commissioners and their successors, for such price and prices or consideration, as may be agreed upon between them the said parties respectively.

And be it further ordained and enacted, by the authority aforesaid, that in all cases where the said commissioners or their successors, and the said owners and occupiers of the premises aforesaid, or of any part thereof, shall not, by voluntary agreement, settle and determine the price and prices, compensation and compensations, to be paid for the said premises, or any part thereof, such price and prices, compensation and compensations, shall be ascertained, fixed, and determined by the award of arbitrators in manner following; (that is to say,) the said commissioners, or their successors, shall and may nominate and appoint one arbitrator, being an indifferent and disinterested person, and the said owners or occupiers respectively shall and may nominate and appoint one or other arbitrator, being also an indifferent and disinterested person, and the said two arbitrators, before proceeding to act as such arbitrators, shall and may appoint a third arbitrator, being likewise an indifferent and disinterested person, which said three arbitrators, after having been previously sworn before one of the justices of the Court of King's Bench for the district of Montreal, well, truly, and honestly to execute the trust and duty of arbitrators as aforesaid, and after notice to the parties respectively of the time and place of their meeting, shall proceed to ascertain, fix, and determine the price or prices, compensation or compensations, to be paid by the said commissioners, or their successors, for such dwelling-houses, land, and premises, pieces and parcels of land aforesaid; and the award of any two of the said arbitrators, to be named and appointed as aforesaid, in and respecting the premises aforesaid, shall be final.

And be it further ordained and enacted, by the authority aforesaid, that in case the said owners or occupiers of the said dwelling-houses, land, premises, pieces and parcels of land, or any of them, after due notice in this behalf from the said commissioners, or their successors, shall refuse or neglect to name and appoint an arbitrator as aforesaid, being an indifferent and disinterested person as aforesaid, or if the two arbitrators named and appointed as afore said should refuse or neglect to name and appoint a third arbitrator as aforesaid, it shall be lawful in such cases respectively for one of the justices of the Court of King's Bench for the district of Montreal, on application in this behalf by the said commissioners, or their successors, to name and appoint, instead of such owner or occupier so refusing or neglecting, an arbitrator on his behalf, or such third arbitrator, to supply the place of the nomination which ought to have been made by the two arbitrators previously appointed; and the arbitrator and third arbitrator so as aforesaid to be appointed by such justice as aforesaid, after having been respectively sworn by such justice, well, truly, and honestly to execute the trust and duty of arbitrator, and third arbitrator as aforesaid, shall have the same power and authority in the premises, and their award shall have the same force and effect as if such arbitrator and third arbitrator had been named and appointed in the manner in the preceding section prescribed as aforesaid.

And be it further ordained and enacted, by the authority aforesaid, that on payment of the price or prices, compensation or compensations, to be fixed and determined as aforesaid, or in case of refusal or neglect to accept the same, on the deposit thereof in the hands of the prothonotary

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prothonotary of the said Court of King's Bench for the district of Montreal, for the use of the person or persons entitled to the same, the right of property, title, and interest in and to such dwelling-houses, land and premises, pieces or parcels of land, for which such price or prices, compensation or compensations, shall be payable, shall be divested out of the owners and occupiers thereof, and the same shall become and be vested in the said commissioners and their successors, for the purposes of the said Acts and of this ordinance.

And be it further ordained and enacted, by the authority aforesaid, that it shall and may be lawful for the said commissioners, or their successors, to pay such price and prices, compensation and compensations, as aforesaid, to be agreed upon, fixed, and determined as aforesaid, from and out of the sum and sums of money to be borrowed as aforesaid, in pursuance of the provisions of this ordinance.

And it is further ordained and enacted, by the authority aforesaid, that the due application of the monies appropriated by this Act shall be accounted for to Her Majesty, Her heirs and successors, through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner and form as Her Majesty, Her heirs and successors, shall direct, and that a detailed account of the expenditure of all such monies shall be laid before the Governor, Lieutenant-governor, or person administering the government of this province, on or before the 15th day of December in each and every year.

J. Colborne.

Ordained and enacted, by the authority aforesaid, and passed in Special Council, under the great seal of the province, at the Government-house in the city of Montreal, the 5th day of May, in the first year of the reign of our Sovereign Lady Victoria, by the grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, in the year of our Lord 1838.

By his Excellency's command,

Wm. B. Lindsay, Clerk Special Council.

Enclosure 11, in No 17.

ANNO PRIMO VICTORIÆ REGINÆ.

Cap. 24.—AN ORDINANCE to authorize the Incorporated and Chartered, and other Banks in this Province to suspend the Redemption of their Notes in Specie, under certain regulations, for a limited time.

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WHEREAS the banks of the United States of America and of Upper Canada have generally suspended, and continue to suspend the redemption of their notes in specie, and by the laws of those countries, British gold and silver coins are current at a higher value than they are by law in this province : And whereas it is necessary to protect the banking institutions in this province from the danger to be apprehended from the withdrawal of the British gold and silver coins and other specie therein, which would result if the said banking institutions should be bound to redeem their notes with specie, while the notes of the said banks of the United States and Upper Canada are not redeemed in like manner: Be it ordained and enacted by the administrator of the government of this province, authorized to execute the commission of the Governor thereof, by and with the advice and consent of the Special Council for the affairs of the said province, constituted and assembled by virtue of and under the authority of an Act of the Parliament of Great Britain and Ireland, passed in the first year of the reign of Her present Majesty, intituled, "An Act to make Temporary Provision for the Government of Lower Canada;" and it is hereby ordained and enacted, by the authority of the same, that any bank in this province now incorporated or chartered by any ordinance or law thereof, or by royal charter, which has heretofore ceased, or which shall cease to redeem its notes or other liabilities in the current coin of this province, shall not in consequence thereof be compelled to cease its banking operations, or be deemed to have forfeited its ordinance, act, or royal charter of incorporation, or be rendered liable to any disability, penalty, or forfeiture by reason of its having ceased to redeem its notes and liabilities in lawful current coin as aforesaid, anything, or any ordinance, or law, or act of incorporation of this province, or in any royal charter, of such bank, to the contrary notwithstanding ; provided that it shall appear proper to the Governor, Lieutenant-governor, or person administering the government of the province, that such banks should, under the circumstances disclosed by them, be allowed to continue their business of banking, notwithstanding their suspension of cash payments, in which case it shall be lawful for the Governor, Lieutenant-governor, or person administering the government of the province, in Council, to make an order or minute to that effect, which shall be published in the Quebec Gazette during the time of such suspension of cash payments ; and such order or minute of the Governor, Lieutenant-governor, or person administering the government of the province, and Council, shall have the effect of saving such bank from any forfeiture of the rights, benefits, or privileges and other advantages conferred on or granted to it by any ordinance of the Governor and Special Council for the affairs of this province, or by any act of the Legislature of this province, or by royal charter, by reason of their suspension of cash payments, before or after the making of such order or minute, and from any and every penalty or disability which would or might otherwise ensue thereon ; and provided also, that such bank shall, with its petition or application

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for an order or minute in the behalf aforesaid, and whensoever afterward, during the time of such suspension of specie or cash payments, the same shall be required, render unto the Governor, Lieutenant-governor, or person administering the government of this province, a statement of the affairs of the said bank, containing on the one part, the amount of notes in circulation, the net profits in hand, the balances due to other banks, and the cash deposited in such bank, distinguishing deposits bearing interest if any there be, and on the other part, the amount of current coins, and gold and silver bullion in the vaults of the said bank, the value of the buildings and other real estate belonging to the said bank, and notes of other banks held by the said bank, the balances due from other banks, and the amount of all debts owing to the said bank, including and particularizing the amount so owing on bills of exchange, discounted notes, mortgages and other sureties, thus exhibiting, on the one hand, the debts due by the said bank, and on the other hand, the resources thereof, and which statement of the affairs of the said bank shall also contain a statement of the amount of the capital stock subscribed, and of the amount thereof actually paid in, the rate and amount of the then last dividend declared by the said bank, the amount of the profits reserved at the time of declaring such dividend, the amount of debts due to the said bank, and secured by the pledge of the stock thereof, belonging to the persons from whom such debts are due, and the amount of debts overdue and not paid, with an estimate of the loss which may probably be incurred from the non-payment of such debts; and a list of the names of all persons who shall, at the commencement of every quarter of the year during the time for which such statement shall be required and made, have been shareholders in the said bank, specifying the number of shares held by each and every such person at the commencement of each quarter, and also the amount of paper discounted for, or monies loaned to the directors, or for which they may be in any way security to the said bank; and the said statement of the affairs of the said bank shall be rendered as aforesaid, under the oaths of the president or vice-president, and three of the directors, and the cashier or principal officer of the bank rendering the same; which oaths shall and may be administered by any judge of Her Majesty's court of King's bench for this province: Provided always, that nothing herein contained shall compel or authorize any bank to particularize in any such statement the private account of any person or persons with the said bank.

And whereas it may be found impracticable for individuals or associations of individuals, during the suspension of payments in specie by all or any of the incorporated or chartered banks in this province, to obtain gold or silver coins legally current therein, and it is necessary to make such provision as may afford reasonable protection in that behalf; Be it therefore ordained and enacted by the authority aforesaid, that so long as the said incorporated or chartered banks in this province, or any of them, shall, under the provisions of this ordinance, have authority to suspend payments in specie, it shall and may be lawful for the courts of this province, in any actions depending or to be hereinafter brought in any of the said courts, on summary proof being made that the amount of debt was tendered by the defendant to the plaintiff before the institution of the action, in notes of the said incorporated or chartered banks, which shall have been authorized to avail themselves of the provisions of this ordinance (the said notes being generally current at par, and payable to the bearer thereof), and on the said amount of debt being in such notes also paid into court, to be accepted by the plaintiff if he see fit, to stay proceedings in such action without costs, until further orders shall be made thereon, and the amount of said debts shall not bear interest from the day that the tender thereof shall be made, if the said amount be subsequently paid into court in notes as aforesaid: provided it be made to appear to the satisfaction of the court, that the necessity for proceeding in such action does not arise from the want of the amount of debt being ascertained.

And be it further ordained and enacted by the authority aforesaid, that during the continuance of this ordinance no action or suit shall be prosecuted against any of the aforesaid banks which shall have been authorized to suspend payment in specie under the provisions of this ordinance, in order to compel payment of any notes of such bank expressed to be payable on demand, and it shall be lawful for the president and director of every such bank during the continuance of their suspension of cash payments in the manner allowed by this ordinance, to apply to the court wherein any such action shall be brought or shall be depending, to stay proceedings therein in a summary way; and in case such action or suit shall be brought to compel payment of any note or notes made payable on demand, such court shall stay all proceedings accordingly during the continuance of this ordinance: provided always, that if it shall appear to such court to be necessary for the purpose of ascertaining the amount of any demand on such bank, or otherwise for the furtherance of justice, that any proceedings should be had for such purpose, it shall be lawful for such court to permit proceedings to be had in any such action or suit for such necessary purpose only: provided also, that no costs shall be recovered against any such bank in any action or suit which shall be brought for the purpose of compelling payment of any debt or demand, unless the court wherein the same shall be brought shall be of opinion that the same was necessary for the purpose of ascertaining the amount of such debt or demand, or the title thereto, or for the furtherance of justice as aforesaid.

And be it further ordained and enacted by the authority aforesaid, that so long as any of the said incorporated or chartered banks in this province shall, under the provisions of this ordinance, continue their business of banking without paying their notes in specie on demand,

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the total amount of the notes of such bank in circulation shall not at any time exceed the amount of capital stock of such bank actually paid in.

And be it further ordained and enacted by the authority aforesaid, that during the time of such suspension of specie or cash payments it shall not be lawful for any incorporated or chartered bank in this province, which hath suspended or shall suspend specie or cash payments, to sell any portion of the gold or silver which may be in its possession, or to make any other disposition thereof which shall diminish the amount according to its legal value, than by paying in change the fractional parts of a dollar.

And be it further ordained and enacted by the authority aforesaid, that all and every the provisions in this ordinance contained shall and may extend to a certain association carrying on the business of banking at the city of Montreal, under the name and firm of Viger, Dewitt & Co., and commonly called the "People's Bank," or "La Banque du Peuple:" provided always, that in addition to the statement and statements required by the first section of this ordinance, the said association do furnish, under the oaths therein expressed, a list of the names, places of residence, and additions of the copartners and stockholders of and in the said association; with the number of shares and amount of capital stock subscribed by each of them respectively, and the amount of stock, capital stock, by each of them respectively actually paid in; and distinguishing also in such list of copartners and stockholders the names of such of them as are the president, vice-president, and directors of the said association.

And be it further ordained and enacted by the authority aforesaid, that all and every the provisions in this ordinance contained shall and may likewise extend to a certain association or joint-stock company, established in London for the purpose of carrying on the business of banking in the provinces of British North America, under the name or title of "The Bank of British North America," and whereof a branch has been established in each of the cities of Quebec and Montreal: provided always, that in lieu of the statement and statements required of the other banks by the first section of this ordinance, the local directors and managers of each of the said branches shall furnish, under the oaths of three of the said local directors and of the manager respectively, a true and faithful return of the affairs of each of the said branches in conformity with the Schedule (A.) hereunto annexed.

And be it further ordained and enacted by the authority aforesaid, that it shall be lawful for the Governor, Lieutenant-governor, or person administering the government of this province, in Council, when it shall appear proper and advisable to his Excellency the Governor, Lieutenant-governor, or person administering the government, and Council, at any time during the suspension of payment in specie by any of the said banks or associations in this ordinance mentioned, to revoke the order or minute whereby any of the said banks or associations were or was allowed to continue their business of banking, notwithstanding their suspension of cash payments, and that on the expiration of 60 days from and after the publication in the Quebec Gazette of an order or minute to that effect, of the Governor, Lieutenant-governor, or person administering the government of this province, in Council, the bank or banks, association or associations, in the last-mentioned order or minute specified and described, shall be divested and deprived of all and every the benefits, rights, privileges, and advantages, which they or any of them before that time had and possessed under the provisions of this ordinance: and that from and after the lapse of the said space of 60 days after such publication this ordinance shall be of no force or effect whatever, as to the said bank or banks, association or associations, specified and described in such order or minute, or as to the notes issued by them, or any of them, or other their liabilities, according to law.

And be it further ordained and enacted, by the authority aforesaid, that if any person shall knowingly swear falsely in any matter stated by him on oath under the provisions of this ordinance, he shall, on conviction, be deemed guilty of wilful and corrupt perjury.

And be it further ordained and enacted, by the authority aforesaid, that this ordinance shall continue in force until the 1st day of June 1839, and no longer: provided always, that it shall and may be lawful for the Governor, Lieutenant-governor, or person administering the government of this province, by and with the advice of the Executive Council thereof, by his proclamation under the great seal of the province, to declare that this ordinance, and all the provisions thereof, shall cease and determine at any time before the lapse of the period aforesaid, but not less than two months from and after the date and publication of the said proclamation.

SCHEDULE (A.)

ABSTRACT from the BOOKS of the BANK of *British North America, Montreal*, exhibiting a
General Statement of the Affairs of the Branch.

No. 17
Sir J. Colborne to
Lord Glenelg,
7 May 1838.
Encl. 11, in No.17.

	£. s. d.		£. s. d.
Gold and silver, and other coined metals on hand - - -		Capital stock. Amount actually paid in -	
Bills and cheques on banks in these provinces, and on other banks elsewhere -		Bank notes in circulation - - -	
Amount of all debts due, including notes, bills of exchange, and all stock and funded debts of any description, except the balances due from other banks and branches -		Net profits on hand -	
Balances due from other banks and branches -		Balances due other banks and branches -	
Real estate - - -		Bank acceptances outstanding - - -	
		Cash deposits, bearing interest - - -	
		Cash deposits including all sums whatsoever due from the bank not bearing interest, its bills in circulation, profits and balances excepted - - -	
		Amount of dividends unclaimed - - -	

We do hereby certify to the best of our knowledge and belief, that the above statement of the affairs of the Bank of British North America at Montreal, is correct.

Sworn before me at Montreal, }
this day of

J. Colborne.

Ordained and enacted, by the authority aforesaid, and passed in Special Council, under the Great Seal of the province, at the Government-house, in the city of Montreal, the 5th day of May, in the first year of the reign of our Sovereign Lady Victoria, by the grace of God, of Great Britain and Ireland, Queen, defender of the faith, and so forth, and in the year of our Lord 1838.

By His Excellency's command,

W. B. Lindsay, Clerk Special Council.

Enclosure 12, in No. 17.

Anno Primo VICTORIÆ REGINÆ.

Cap. 25.—AN ORDINANCE to enable the Proprietors or Shareholders of a Company called "The Bank of British North America" to sue and be sued in the Name of any one or more of its local Directors or Managers for the time being, and for other Purposes therein mentioned.

WHEREAS several persons have formed themselves into a company or partnership called or known by the name of "The Bank of British North America," for the purpose of establishing and carrying on banks of issue and deposit at various cities, towns, and places within the several British settlements and colonies in North America, and have subscribed or raised a considerable sum of money in order to carry on the business of the said bank, it is expedient to make certain regulations for the proper conduct of the affairs of the branches of the said bank established in this province; be it therefore ordained and enacted by his Excellency the Administrator of the Government of this province, authorized to execute the commission of the Governor thereof, by and with the advice and consent of the Special Council for the affairs of the said province, constituted and assembled by virtue of and under the authority of an Act of the Parliament of Great Britain and Ireland, passed in the first year of Her present Majesty, intituled, "An Act to make temporary Provision for the Government of Lower Canada," and it is hereby ordained and enacted by the authority of the same, that it shall be lawful, from and after the passing of this Act, for the proprietors of the capital stock of the Bank of British North America, in the name of any one or more of its local directors, or in the name of any one of the managers for the time being, to sue and be sued, to plead and be impleaded, to answer and be answered, to defend and be defended in all courts and places whatsoever, in all manner of actions, suits, and complaints, matters

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matters and causes whatsoever in the said province of Lower Canada; and for the ends of justice, it shall be lawful for the said company of proprietors, in the name of any one or more of its local directors or managers for the time being, to institute an action or actions at law and suits against any proprietor or proprietors of the capital stock of the said company, or against any of the local directors or managers; also for any proprietors, local directors, or managers to prosecute the said company or association, by any action or suit against any one or more of the said local directors or managers, in any court of law in this province, any act, law or ordinance to the contrary notwithstanding.

And be it further ordained and enacted by the authority aforesaid, that it shall be lawful for the said company of proprietors of the capital stock of the Bank of British North America to issue an amount in notes at each of their branches in this province, being for a less sum than 1*l.* 5*s.* currency each, the total amount whereof shall not exceed one-fifth of the actual amount placed at the credit and disposal of their respective branches, any law, usage, or custom to the contrary notwithstanding; provided that no note or bill so issued shall be of a less denomination or amount than 5*s.* of the current money of this province.

And be it further ordained and enacted by the authority aforesaid, that it shall be lawful for the Governor, Lieutenant-governor, or person administering the Government of this province to require from the local directors and managers of the said bank a statement of the affairs of the company, in conformity with the Schedule appended hereto, marked (A.), which statement the said local directors and managers shall be bound to furnish, under oath, when so required, as aforesaid: provided always, that such statement shall also set forth the amount of capital actually placed at the disposal of the different branches respectively.

And be it further ordained and enacted by the authority aforesaid, that it shall be lawful for the said company of proprietors to hold such lands, tenements, hereditaments, and only such as shall be requisite or convenient for the transaction of their business, the same to be vested in the names of trustees, who shall consist of two or more of the local directors and the managers for the time being; provided the said lands, tenements, and hereditaments shall not exceed the yearly value of 1,000*l.* of the current money of this province; provided also, that the said bank may take and hold mortgages, *hypothèques* on real property, according to the law of this province, by way of additional security for debts contracted to the said bank in the course of its dealings; but on no account shall money be lent on mortgage, *hypothèque*, or upon land or other fixed property, nor shall such be purchased by the said bank upon any pretext, except as abovementioned.

And be it further ordained and enacted by the authority aforesaid, that if any officer, manager, clerk, or servant of the said Bank of British North America, intrusted with any bond, obligation, bill, obligatory or of credit, or of any other bill or note, or any security, money, or effects belonging to the said Bank of British North America, or having any bond, obligation or bill, obligatory or of credit, or any other bill or note, or any security, money, or effects of any other person or persons lodged or deposited with the said Bank of British North America, or with him as an officer, manager, clerk or servant of the said Bank of British North America, shall secrete, embezzle or run away with any such bill, bond, obligation, bill, obligatory or of credit, or any such other bill or note, security, money or effects, or any of them, or any part of them, every such officer, manager, clerk, or servant so offending, and being thereof convicted in due form of law, shall be deemed guilty of felony, and shall suffer death as a felon without benefit of clergy.

And be it further ordained and enacted by the authority aforesaid, that if any person or persons shall forge or counterfeit the common seal of the said company, or shall forge or counterfeit, or alter any bond, obligation, bill, obligatory or of credit, or any other bill or note of the said bank of British North America, or any indorsement or indorsements thereon, with an intention to defraud the said bank, or any person or persons whomsoever; or shall alter or pass any forged, counterfeit, or altered bond, obligation, bill, obligatory or of credit, or any other bill or note of the said bank of British North America, or indorsement or indorsements thereon, or shall demand the money therein mentioned and contained, knowing the same to be forged, counterfeit, or altered; every such person for every such offence, upon conviction thereof in due form of law, for the first offence, shall be deemed and adjudged to be guilty of a misdemeanour, and on being lawfully convicted thereof, shall be liable for such offence to be imprisoned for a time, which shall not be less than six months, nor more than six years, and to be kept at hard labour, or to be publicly whipped, or to stand in the pillory, or undergo one or more of the said punishments, at the discretion of the court before which such conviction shall take place, and shall for the second offence be deemed and adjudged to be guilty of felony.

And be it further ordained and enacted by the authority aforesaid, that if any person shall engrave, form, make, or mend any plate or plates, paper, rolling-press, or other tool, instrument, or material devised, adapted and designed for stamping, forging, or making any false and counterfeit bill of exchange, promissory note, undertaking, or order for the payment of money purporting to be the bill of exchange, promissory note, undertaking, or order of the said bank of British North America, or of any of the officers or persons engaged in the management of the concerns of the bank, in the name and on the behalf of the said bank, or shall have in his possession any such plate or plates engraven in any part, or any paper, rolling-press, or other tool, instrument, or material devised, adapted, or designed as aforesaid, with the intent to use and employ the same, or to cause or permit the same to be used and employed in forging and making any such false and counterfeit bills of exchange, promissory notes, undertakings, or orders, every person so offending shall be deemed and taken

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taken to be guilty of felony, and being thereof convicted shall suffer death as a felon, without benefit of clergy.

And be it further ordained and enacted, by the authority aforesaid, that it shall and may be lawful to and for any one justice of the peace, on complaint made before him, upon the oath of one credible person, that there is just cause to suspect that any one or more person or persons is or are, or hath or have been concerned in making or counterfeiting any such false bills of exchange, promissory notes, undertakings, or orders as aforesaid, by warrant under the hand of such justice to cause the dwelling-house, room, workshop, outhouse, or other buildings, yard, garden, or other place belonging to such suspected person or persons, or where any such person or persons shall be suspected to carry on any such making or counterfeiting, to be searched for any such false bills of exchange, promissory notes, undertakings, or orders; and if any such false bills of exchange, promissory notes, undertakings, or orders, or any such plates, rolling-presses, or other tools, instruments, or materials, shall be found in the custody or possession of any person or persons whomsoever, not having the same by some lawful authority, it shall and may be lawful to and for any person or persons whomsoever discovering the same, to seize, and he and they are hereby authorized and required to seize, such false or counterfeit bills of exchange, promissory notes, undertakings, or orders, and such plates, rolling-presses, or other tools, instruments, or materials, and to carry the same forthwith before a justice of the peace of the county or district in which the same shall be seized, who shall cause the same to be secured and produced in evidence against any person or persons, who shall or may be prosecuted for any of the offences aforesaid in some court of justice proper for the determination thereof; and the same, after being so produced in evidence, shall, by order of the court before which such offender or offenders shall be tried, be defaced or destroyed, or otherwise disposed of, as such court shall direct.

And be it further ordained and enacted, by the authority aforesaid, that nothing herein contained shall be construed or taken to extend to incorporate the said company, or to discharge the holders of shares from personal and individual liability to which they are now subject by law, either as between the company and any of the individual proprietors, or as between or among themselves, or in any other manner whatsoever.

And be it further ordained and enacted, that this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of by all judges, justices, and others.

And be it further ordained and enacted, that this ordinance shall continue in force until the 1st November 1842, and no longer; and it shall and may be lawful for the Governor, Lieutenant-governor, or person administering the government, with the advice of the Executive Council, by his proclamation under the great seal of the province, to declare that this ordinance, and all the provisions thereof, shall cease and determine at any time before the lapse of the period aforesaid, but not less than three months from and after the date of the said proclamation.

SCHEDULE (A.)

ABSTRACT from the BOOKS of the BANK of *British North America, Montreal*, exhibiting a General Statement of the Affairs of the Branch.

	£. s. d.		£. s. d.
Gold, silver, and other coined metals on hand		Capital stock. Amount actually paid in -	
Bills and cheques on banks in these pro- vinces, and on other banks elsewhere -		Bank notes in circulation	
Amount of all debts due, including notes, bills of exchange, and all stock and funded debts of any descrip- tion, except the bal- ances due from other banks and branches -		Net profits on hand -	
Balances due from other banks and branches -		Balances due other banks and branches - -	
Real estate - - -		Bank acceptances out- standing - - -	
		Cash deposits, bearing interest - - -	
		Cash deposits, including all sums whatsoever due from the bank, not bearing interest, its bills in circulation, profits and balances excepted - - -	
		Amount of dividends un- claimed - - -	

We do hereby certify, to the best of our knowledge and belief, that the above Statement of the affairs of the Bank of *British North America* at *Montreal* is correct.

Sworn before me at Montreal, }
this day of 183

J. Colborne.

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No. 17.

Sir J. Colborne to
Lord Glenelg,
7 May 1838.

Encl. 12, in No. 17.

Ordained and enacted by the authority aforesaid, and passed in Special Council, under the great seal of the province, at the Government House, in the city of Montreal, the 5th day of May, in the first year of the reign of Our Sovereign Lady Victoria, by the grace of God, of Great Britain and Ireland, Queen, Defender of the Faith, and so forth, in the year of our Lord, 1838.

By his Excellency's command,

W. B. Lindsay, Clerk Special Council.

Enclosure 13, in No. 17.

Anno Primo VICTORIÆ REGINÆ.

Cap. 26.—AN ORDINANCE to make Provision for the Survey of Lake St. Peter.

Encl. 13, in No. 17. WHEREAS it is expedient to provide for the survey of Lake St. Peter in this province; be it therefore ordained and enacted by his Excellency the administrator of the government of the said province, authorized to execute the Commission of the Governor thereof, by and with the advice and consent of the Special Council for the affairs of the said province, constituted and assembled by virtue of and under the authority of an Act of Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the reign of Her present Majesty, intituled, "An Act to make temporary Provision for the Government of Lower Canada;" and it is hereby ordained and enacted, by the authority of the same, that it shall be lawful for the Governor, Lieutenant-governor, or person administering the government of Lower Canada, to advance by warrant under his hand, and out of the unappropriated monies in the hands of the Receiver-general, a sum not exceeding 500*l.* currency, as an aid towards causing a survey to be made of Lake St. Peter, in this province.

And be it further ordained and enacted, by the authority aforesaid, that it shall be lawful for the Governor, Lieutenant-governor, or person administering the government of this province, to appoint, by an instrument under his hand and seal, one or more commissioner or commissioners to carry this ordinance into effect.

And be it further ordained and enacted, by the authority aforesaid, that the due application of the monies appropriated by this ordinance shall be accounted for to Her Majesty, Her heirs and successors, through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner and form as Her Majesty, Her heirs and successors, shall direct; and that a detailed account of the expenditure of all such monies shall be laid before the Governor, Lieutenant-governor, or person administering the government of this province.

J. Colborne.

Ordained and enacted, by the authority aforesaid, and passed in Special Council under the great seal of the province at the Government-house, in the city of Montreal, the 5th day of May, in the first year of the reign of our Sovereign Lady Victoria, by the grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, and in the year of our Lord 1838.

By his Excellency's command,

W. B. Lindsay, Clerk Special Council.

— No. 18. —

(No. 41.)

COPY of a DESPATCH from Lieutenant-General Sir *John Colborne* to
Lord *Glenelg*.

Government House, Montreal,
8 May 1838.

No. 18.

My Lord,

Sir J. Colborne to
Lord Glenelg,
8 May 1838.

I HAVE the honour to acquaint your Lordship that I closed the session of the Special Council on Saturday, the 5th instant.

The measures which I proposed for the adoption of the Council were considered to be closely connected with the immediate welfare of Lower Canada, and I am persuaded few of them could have been delayed without further inconvenience and embarrassment to the political and commercial interests of the province.

The

The several ordinances authorizing payments from the provincial funds are the following:

Chap. 11 authorizes the repayment of certain sums advanced from the Imperial Treasury.

Chap. 12 makes provision for the civil expenditure of the government from the 1st of April 1837 to the 10th of April 1838.

This ordinance enables the government to pay the arrears of salaries to certain officers who had performed the duties attached to their respective offices; and also the contingent accounts of the Legislative Council and Assembly. The persons claiming the salaries and payments sanctioned by this ordinance were, I think, entitled to relief the moment the local government could satisfactorily procure an adjustment of their claims.

Chap. 16 appropriates certain sums for the encouragement of education.

Chap. 17 appropriates certain sums for the support of certain charitable institutions.

Chap. 18 appropriates certain sums for the encouragement of agriculture.

The several institutions named in these ordinances required speedy assistance, and were usually provided for by a vote of the Assembly.

Chap. 23 authorizes the commissioners, appointed under an Act of the Legislature for the improvement of the harbour of Montreal, to borrow a further sum of money to be applied to the improvement and enlargement of the harbour.

This ordinance passed unanimously in the Council.

Chap. 21 authorises the payment of certain monies due by the commissioners for the erection of a gaol in the district of Montreal.

The sums provided for by this ordinance were necessarily expended in completing the gaol for the reception of prisoners, but the contractors employed by the commissioners have remained unpaid for two or three years.

Chap. 26 makes provision for the survey of Lake Saint Peter.

The navigation of the St. Lawrence from Montreal to Quebec runs through this lake, and in consequence of the shallowness of its channel the merchants incur great risk and expense, at certain seasons, in the passage of their vessels.

I shall take the earliest opportunity of forwarding authenticated copies of the ordinances which have been passed.

I have great pleasure in assuring your Lordship that the members of the Special Council have conducted the business of the session with unanimity and good feeling; and I have reason to believe that the ordinances which have been made are approved generally in the province.

The accompanying paper contains the observations I addressed to the Council on closing the session.

5 May 1838.

In a few days I purpose leaving Montreal for Quebec, where I shall be prepared to receive Lord Durham. His Lordship will probably not arrive before the 15th or 20th instant.

I shall remain at Quebec for a few weeks, or longer, should my presence be required at the seat of government.

I have, &c.

J. Colborne.

LOWER
CANADA.

No. 18.

Sir J. Colborne to
Lord Glenelg,
8 May 1838.

Enclosure in No. 18.

Gentlemen,

Encl. in No. 18.

At an important crisis you have been appointed members of the Special Council, constituted by an Act of the Imperial Government; a measure which, it is admitted, I believe, had become indispensable, with reference both to the long-neglected interests of Lower Canada and recent events.

The full and constant attendance of the Council during the session, and the assiduity with which the business of the province has been transacted will, I am persuaded, afford general satisfaction.

I return you my thanks for your attendance, and for the attention which you have devoted to the affairs which have been brought under your consideration; and I trust that the ordinances which have been passed will essentially contribute, under existing circumstances, to the welfare of the community.

The principal measures having been adopted to which your immediate attention required to be drawn, I think it necessary to direct the Council to be prorogued.

Government House, Montreal, 5 May 1838.

UPPER CANADA.

— No. 19. —

ENCLOSURES referred to in Lieutenant-Governor Sir *F. B. Head's* DESPATCH to Lord *Glenelg*, dated Toronto, 28 December 1837, received subsequent to the Presentation of that Despatch to Parliament. (*Vide* Papers relative to the Affairs of Canada, ordered to be printed on the 2d February 1838, p. 12.)

UPPER
CANADA.

No. 19.

Enclosures in
Sir F. B. Head's
Despatch,
28 December 1837.

(No. 1.)

Sir,

Government House, 13 December 1837.

YOUR Excellency has doubtless received intelligence, though not of an authentic character, of an insurrectionary movement which, within the last few days, has been made in this province, and which the loyal feeling of the great mass of Her Majesty's subjects has enabled me promptly to suppress. Though an occurrence of this particular nature, in a country immediately adjoining the state under your Excellency's government, must naturally excite a considerable degree of interest, I might not have felt myself called upon to communicate with your Excellency upon the subject if I did not receive an official report from the magistracy of the district of Niagara, that efforts are made, by calling public meetings in Buffalo, to procure countenance and support among the inhabitants of that city to the efforts of the disaffected in Upper Canada.

I am perfectly persuaded that, under any circumstances, the public authorities in the United States would exert themselves to strengthen rather than to disturb the kind feeling which has, for so many years, united the natives of Great Britain and the United States in the most amicable relations; and when I acquaint your Excellency that the armed party of traitors which are now dispersed, during the few days that they remained embodied, were guilty of such unprovoked and wanton acts of murder, arson and robbery, as disgusted their adherents, and occasioned their rapid desertion, I feel no doubt, that whatever may be justly done by the Government of one friendly and enlightened nation towards restraining its subjects from disturbing the peace and injuring the unoffending inhabitants of another, may confidently be expected from your Excellency.

It is fit I should apprise your Excellency that there is not at this moment, to my knowledge, within the whole extent of Upper Canada, a single body of men, assembled with arms or otherwise, in opposition to the Government. Before the 5th December there had been about 500 or 600 men hastily got together at the instigation of a Mr. M'Kenzie, the editor of a seditious newspaper here; but these have been wholly dispersed, and their leader, we understand, is now in Buffalo, endeavouring to excite there a support which he fails to meet with in this province.

To his Excellency Governor Marcy,
State of New York, Albany.

I have, &c.
(signed) *F. B. Head.*

(No. 2.)

Dear Sir,

Government House, Toronto, 23 December 1837.

I TAKE the liberty of introducing to your Excellency the Honourable Archibald M'Lean, late Speaker of the House of Assembly of this province, who is the bearer of a communication from me to Her British Majesty's Minister at Washington, on the same subject on which I had the honour to address your Excellency on the 13th instant, a copy of which communication Mr. M'Lean takes to Washington. Mr. M'Lean will inform your Excellency, that the party of Americans who, under the command of Mr. Van Ransalaer, have taken possession of Navy Island, have issued a proclamation, hoisting in Canada the flag of independence, offering a reward of 500 *l.* for my apprehension, with 300 acres of our Crown lands, to any volunteer who will join in the invasion of this province.

I have not yet had the pleasure of hearing from your Excellency (which, indeed, time has not admitted of); but I feel confident your Excellency will, by the most energetic means, put an immediate stop to proceedings which must otherwise inevitably lead to a national contest.

Mr. M'Lean will have the honour to submit to your Excellency any further information which you may desire.

W. L. Marcy, Esq.
Governor of the State of New York.

I remain, &c.
(signed) *F. B. Head.*

UPPER
CANADA.

No. 19.
Enclosures in
Sir F. B. Head's
Despatch,
28 December 1837.

Sir,

Government House, Toronto, 23 December 1837.

I BEG leave to introduce to your Excellency the Honourable Archibald M'Lean, late Speaker of the House of Assembly of this province, and now one of its judges.

My official communication will explain the object of his mission, which, I regret to say, is, I conceive, of a very alarming nature.

The little outbreak in this province has been completely put down by the people themselves, for I had no other assistance; but the case has assumed a new feature. A number of American citizens, of wealth and intelligence, are desirous to get possession of this province, and to swamp our institutions. They willingly afford money; and, as thousands of people are out of work in the United States, an invasion may be made, which it would be out of our feeble power to resist.

I trust I am not apt to be unreasonably alarmed; but I can assure you sincerely, that, unless the American Government take immediate measures to put down the of this territory by force of arm, I think the worst will happen.

A body of Americans, headed by an American, have now, with about 700 men, taken possession of Navy Island, which belongs to Great Britain. They have issued there a proclamation declaring the independence of Canada, have offered a reward of 500*l.* for my apprehension, and 300 acres of the richest land of the Crown to whoever will volunteer to assist them in invading this territory.

The people of the United States are so excited with the subject, and so ripe for plunder, that no words or writing will, in my opinion, stop them. I consider that the United States' Government must either put down this aggression by force, or be held responsible for the consequences.

To his Excellency Henry S. Fox,
Washington.

I remain, &c.
(signed) F. B. Head.

(No. 3.)

My dear Sir John,

Toronto, 26 December 1837.

I SEND you copies of some communications I have received, showing the unprincipled disposition which exists on the part of the people of the United States to invade, pillage, and plunder Upper Canada.

The forces on Navy Island are said to consist of 700 well-drilled men, and 13 pieces of artillery. Our force on the frontier was, until yesterday, only 600, scattered from Fort Erie to Niagara; but Colonel M'Nab with 800 men, and Colonel Jarvis with 300, arrived there yesterday. I consider that we are tolerably safe for the present. It is annoying in theory that these ruffians should be allowed to hold possession of our territory, Navy Island, and I have plenty of hot-headed adherents who are urging an attack on them, but I see many reasons against it: first, we should do nothing which could risk a defeat, which, if effected, would I am sure be the signal for a general rush into the province. Secondly, we should certainly attack under very great disadvantages, for the enemy has to a certain degree fortified himself, and, there being no means of retreat, he would be driven to desperation. If any of the hands, in approaching to attack, were disabled, nothing could save there going over the Falls of Niagara, which are but little more than two miles from Navy Island. On the whole, I think it would be highly advisable not to allow an attack, which could only be made under most disadvantageous circumstances, and which, if successful, would not be important; for unless we intended to imprison a body of our men on this island, for the purpose of holding possession of it (an expenditure of force we could not spare), we must abandon it as soon as we had conquered it, in which case the Americans would retake it, and the whole process would have to be repeated.

On the other hand, if we allow them the inconvenience of being pent up, and let them undertake the dangerous course of attacking us, we have science on our side instead of on theirs.

This province is internally perfectly quiet, but I think the danger from without imminent; and I inform you of it that you may take such measures for preventing it, as under the circumstances of the two provinces you may deem necessary.

Lieutenant-General
Sir John Colborne.

I remain, &c.
(signed) F. B. Head.

The same letter was addressed to the Earl of Gosford.

(No. 4.)

Sir,

Head Quarters, Hamilton, 24 December 1837, 3 o'clock, P. M.

IN reporting the return of the volunteers to this place who accompanied me to the London District, I have much gratification in stating that not a man has been lost, and but three have been on the surgeon's list since we marched. I have also great pleasure in noticing that the inhabitants between Paris and Dundas generously turned out with their sleighs, and brought down their brother militia-men to this place free from any expense whatever.

Immediately

AFFAIRS OF LOWER CANADA, &c.

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CANADA.

No. 19.

Enclosures in
Sir F. B. Head's
Despatch,
28 December 1837.

Immediately upon my arrival here, I despatched several messengers to various parts of the district, requesting that the commands which I had received from his Excellency the Lieutenant-governor should be communicated to the various bodies of militia therein, and I am proud to say that his Excellency's expectations will be promptly and completely realized.

I shall move to-morrow morning from this place with between 600 and 800 men, and one field-piece.

The ladies of the town of Hamilton are busily engaged in preparing haversacks for the use of the volunteers; and it is at this moment reported to me that 160 are already completed. Each man will be provided with a blanket and such other necessities as may be essential to the comfort of the troops.

I have the honour to enclose a copy of a letter which I this morning addressed to Lieutenant-colonel Cameron, Assistant Adjutant-general.

As I have no information regarding the stores on the Niagara frontier, and as the following articles will be indispensable in this inclement season of the year for the comfort of the volunteers, I trust that a large supply of blankets, haversacks, socks, shoes and mittens, will be immediately placed in store on the frontier, where they can be speedily furnished for the use of the men; none shall be issued but such as are absolutely necessary.

From the reports which I have received this morning, I am inclined to think that I shall have many more volunteers than I shall be able to furnish with arms and accoutrements; and I therefore request that 200 stand of arms and accoutrements shall be forwarded to the frontier, subject to my orders.

In my way from Toronto I was met at Oakville by a number of captains of schooners and seamen, who gallantly tendered me their services; and I this morning addressed a letter to Colonel William Chisholm on the subject, a copy of which I have the honour to enclose. It is my intention to arm these volunteers with boarding-pikes, of which a number are already made at Woodstock, and are now on the way to Hamilton.

It would be advisable for an armourer, with two or three men, to be despatched to the frontier, to be attached to the expedition.

Colonel the Honourable
Jonas Jones, A. D. C.

I have, &c.
(signed) *Allan N. M'Nab,*
Colonel Commanding.

(No. 5.)

Head Quarters, Hamilton, 24 December 1837.

I BEG leave to state for your information, that I have received his Excellency's commands to proceed to the Niagara frontier with all the disposable force which can be raised in this quarter.

I shall move off early to-morrow morning with between 500 and 600 men and one field-piece; and I request that you will communicate any information which you can give me on the subject of quarters, as I do not wish in anywise to interfere with the cantonments already occupied by the troops at present stationed with you.

I believe about 70 or 80 well-mounted troopers will accompany me.

I wish that an officer may be directed to inspect all the farm-houses in your neighbourhood which are unoccupied by your troops; and that he may meet me on the way, furnished with a return in detail of the number of men which they will be able to accommodate.

Lieutenant Colonel Cameron,
Assistant Adjutant-General.

I have, &c.
(signed) *Allan N. M'Nab,*
Colonel Commanding.

Sir,

Head Quarters, Hamilton, 24 December 1837.

I HAVE to request that you will immediately take measures for securing the services of all those captains of schooners and seamen who so nobly offered their services to me yesterday, and that you will procure a sufficient number of sleighs and forward them, so as to reach the line of march, which I shall make to-morrow morning at day-light, to the Niagara frontier.

The men will be furnished with boarding-pikes, which are coming from Woodstock to-day. It will be desirable that they should all clothe themselves as warmly as they are able.

I have received information from the frontier of such a nature as to induce me to move down there at once, with all the disposable force under my command.

I am anxiously awaiting the arrival of your volunteers under Colonel Chalmers.

Colonel William Chisholm,
Oakville.

I have, &c.
(signed) *Allan N. M'Nab,*
Colonel Commanding.

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CORRESPONDENCE RELATIVE TO THE

(No. 6.)

No. 19.

Enclosures in
Sir F. B. Head's
Despatch,
28 December 1837.EXTRACT of a LETTER from *George Rykert*, Esq., M. P. P. to Colonel *Jones*, A. D. C.;
dated St. Catherine's, 24th December 1837.

I HAVE information from a gentleman of this place, who returned yesterday from Buffalo, on whom I can rely, that the rebels on the island are now about 800 strong, and are daily increasing from the interior of the state. On Friday they got an accession of 200 from a place called Attica, and other towns. That during the past week they broke into the arsenal at Batavia, and took from it several pieces of artillery, and a quantity of small arms, which they succeeded in taking upon the island; they have also again taken all the arms at Buffalo, and carried them away; that they are engaged in casting balls, &c. at the foundries on that side for the rebels; that they have been allowed to take all the boats that were to be had belonging to steamers and vessels at Buffalo.

My informant further states, that the excitement on that side is greatly increasing; that he is convinced a large majority of the people of Buffalo are aiding and assisting the rebel cause, and that several of them expressed to him their full determination to cross as soon as their forces are a little stronger, which he thinks will be the case in a few days.

He brought with him Governor Marcy's proclamation, which Mr. Merritt informed me he had enclosed to His Excellency, and which he (my informant) says, is completely disregarded. Mob law reigns supreme there! the pride and glory of their boasted republican institutions! Their authorities are completely powerless. I learned from another quarter that notices are stuck up at different public places along the main highway, offering a bounty of 100 dollars, payable in May next, to any person who will enlist in their cause, with a further promise of 300 acres of land when they conquer Canada. Whether this is really true I cannot say; the person who informed me said he saw it, and had it offered to him.

It does occur to me that if we had some heavy artillery, howitzers, &c. &c., they might yet be dislodged from the island, or at least they might be prevented from erecting their block-houses, &c. &c. I do not, however, profess much tact in the art militaire, and may be wrong in my ideas.

Report now seems to confirm that they have eight or ten pieces of artillery upon the island.

If we had only one regiment of regulars, and few artillerymen, we should have nothing to apprehend, as it would at once create confidence among our militia, and at the same time materially lessen the ardour of the rebels. They are well acquainted with the state of feeling of our militia.

On Friday, my informant told me, a number of persons from this province (understood from Yonge-street) crossed to Buffalo in a schooner, from or near Port Colborne, a point where I have long urged the necessity of keeping a guard. It was mentioned in Buffalo that Duncombe and Malcolm were expected there yesterday.

Our militia, among other things, are badly organized; there is a great want of efficient officers indeed; in this battalion (1st Lincoln), there is a very great deficiency in the number of officers, some companies having no more than one or two, and besides, there are others who decline calling out their men, as I am told. I hope this subject, too, will receive early attention.

(No. 7.)

Sir,

Government House, Toronto, 24 December 1837.

I DEEM it my duty to forward to your Excellency the enclosed copy of a correspondence I have received this moment from Colonel Cameron, the officer commanding Her Majesty's forces on the Niagara frontier of Upper Canada.

I have, &c.

(signed) *F. B. Head.*To his Excellency Governor Marcy,
New York.

The same letter was addressed to his Excellency J. S. Fox, H. B. M. Ambassador, Washington.

Assistant Adjutant-General's Office.

Chippewa, 23 December 1837.

Sir,

SINCE my last communication, Mr. Cummings, magistrate of this place, has received the information that follows, from a confidential person, returned this morning from the other side.

The forces under Van Rensselaer are hourly increasing. Van Rensselaer is a person who has served in Mexico. M'Kenzie has little or nothing to say to the military movements; he goes about the country collecting supplies; entrenchments are thrown up on the island, and their cannon are being placed in position. The excitement in the state of New York is very strong. The rebel cause daily gains adherents. The very women are inciting the men to proceed to the frontier of New York. The people of the towns in the interior are making common cause with the rebels. Two guns passed to the island yesterday, in addition to those

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Enclosures in
Sir F. B. Head's
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those already on it; informant saw them go over. Depôts of men, money, arms, &c., are being formed in all the small towns in the interior, ready to move as occasion may require. One woman was seen casting bullets at her own house, from a mould that ran 60 at a time. An attack is meditated on the frontier soon. The reflecting portion of the American people fear that war between Great Britain and the United States must ensue from these lawless proceedings. The mob desire it. The actual number on the island is between 500 and 700, but the utmost vigilance is now used to mask their proceedings and conceal their numbers.

The last communication from Colonel Kerby reports all quiet at Waterloo. I have accepted Colonel Land's offer of 100 men from Hamilton, and countermanded the 50 Cobourg volunteers at Niagara, and the arrival of the Niagara dock company, 28 strong, has been reported.

Notwithstanding that the rebellion is apparently suppressed, the most intelligent persons with whom I have had an opportunity of conversing, by no means consider the feeling in favour of the rebels subdued; on the contrary, they think that very many, and among them some who carry arms in our ranks, would not hesitate to rise again if there were an opportunity, or chance of success; but the Lower Province being now secure, I trust that assistance, both of infantry and artillery, may be derived from thence, as such assistance would essentially contribute to restore confidence in the wavering, and awe the disaffected.

I have, &c.

(signed) *K. Cameron,*
Assistant Adjutant-General.To the Adjutant-General of Militia, Toronto,
&c. &c. &c.

(No. 8.)

To *Allan Napier M'Nab, Esq.,* Colonel Commanding the Queen's Forces in the District of
London, &c. &c. &c.

The humble Petition of certain Inhabitants of the Township of Norwich, lately in arms against the Government of this Province.

Showeth,—THAT we, your petitioners, being truly sensible of the great error and wickedness which we have lately committed in taking up arms against Her Majesty's Government, a Government on whose part we do not pretend to say that we have any real wrongs or grievances to complain of, but we have been led away by Charles Duncombe, Elhakim Malcolm, and other wicked and designing leaders, who have induced us by promise of large grants of land and great pay for our services, to take up arms against Her Majesty's Government, and who have now basely deserted us and left us to answer with our lives and properties for those crimes which they have themselves committed, do therefore most humbly beseech you, Sir, to take our case into your kind consideration, and to intercede with his Excellency the Lieutenant-governor of this province, to grant us a pardon for our offences.

We acknowledge ourselves to be completely subdued, and we throw ourselves entirely upon your mercy; and we hereby promise, one and all if such mercy be extended to us, that we will from henceforth live as peaceable and loyal subjects to the Government of Her Majesty Queen Victoria; and that we will not only bring in our arms, but also use our utmost endeavours to apprehend the ringleaders of the late insurrection and bring them to justice.

We are thus induced to address you, Sir, not only from the exalted position which you hold as the first commoner in the land, and commander of the Queen's forces in this part of the province, but also from our knowledge of your kind and benevolent disposition, of which we have had ample proof in the protection of the lives and properties of the inhabitants, since your arrival amongst us, and which we trust you will exert in our behalf to relieve us from our present unfortunate situation; and we, your petitioners, as in duty bound, will ever pray, &c.

Signed by one hundred and three petitioners.

His Excellency's Reply.

Sir,

Government House, 18 December 1837.

His Excellency the Lieutenant-governor has received your letter of yesterday's date, inclosing to me a paper which has been addressed to you as commanding the militia force sent to subdue and apprehend the rebels stated to be in arms in the district of London.

The persons who have subscribed to that paper, 103 in number, state that they have been misled by falsehoods, and by promises of rewards held out by Dr. Duncombe and other wicked traitors, to take up arms against their Sovereign; that they heartily repent the crime they have committed, and acknowledge that they had suffered no wrong at the hands of the Government, and can offer no justification in excuse for their conduct; that they find themselves now deserted by the persons who had urged them to rebel, and left to the mercy of the Government, whose laws they have offended. They offer to deliver up their arms, and pledge themselves to use their best exertions henceforward in supporting the authority of the Government, and bringing offenders to justice.

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Sir F. B. Head's
Despatch,
28 December 1837.

His Excellency desires that you will answer the petitioners by stating, that he sincerely regrets that any number of Her Majesty's subjects in this province should have been prevailed upon to commit treason against a Government which had always protected them, and treated them with justice and kindness; that, trusting to the truth of the declaration by the petitioners, that they have seen their error, and not doubting but they must be ashamed and astonished at their own misconduct; his Excellency consents to your liberating such of them as are not known to have committed acts of violence against the persons or property of their fellow subjects, upon their entering into recognizances, with sufficient sureties, to appear at the next court of oyer and terminer and general gaol delivery, in the district of London, to answer any complaint that may be brought against them at the instance of any their fellow-subjects.

The Hon. Col. M'Nab.

I have, &c.
(signed) *J. Joseph.*

COPY of a LETTER from Col. A. N. M'Nab to his Excellency Sir F. B. Head.

Si

Head-quarters, Scotland, Dec. 14, 1837.

I HAVE the honour to report that the detachment under my command halted at Brantford on Wednesday evening, in perfect order, and the men in high spirits; at nine o'clock the same evening I was informed by persons sent by me to this place (it then being the head-quarters of the rebels), that Dr. Duncombe, with about 400 men, were here and preparing to retreat to Norwich. I immediately despatched persons to Simcoe, Woodstock, and London, requesting that all the volunteers that could be mustered should march down and intercept the rebels, and meet me at this place.

At one o'clock on Thursday morning (to-day), having obtained a plan of the position of the rebels and the roads approaching thereto, I moved off from Brantford with my own detachment, consisting of about 300 rank and file, and 150 volunteers from Brantford, and 100 Indian warriors under the command of Captain Kerr, with directions that they (the Indians) should take possession of the woods marked on the enclosed plan "pine woods." Major Thompson, with 100 men, was to march down the Back Settlement-road, while the main body, with myself, were to march down the Main-road, and make the attack simultaneously.

I regret to say that the rebels became alarmed and moved off during the night.

This afternoon I have been joined by not less than 1,000 volunteers, with Colonel Salmon, Colonel Askin, and Colonels Rapelje and M'Call at their head; volunteers are pouring in at all times and at all places. It is my intention to march at six o'clock to-morrow morning, with 1,600 men, through the township of Norwich, the most disaffected part of this district. I have at least six times as many men as I require; but the fact of such an army marching through this country cannot but have a very beneficial effect; and, besides, the volunteers joining me in this district would not be pleased to be dismissed, and all left to the men of Gore.

I have taken all Dr. Duncombe's papers, also Mr. Eliakim Malcolm's; the latter (which are of considerable consequence) were discovered buried in a field, together with several of the leading rebels'. The latter I have sent under guard to Hamilton.

I would strongly recommend that his Excellency should sanction the raising of volunteer companies, of 150 men each, under the command of Major Winnett, at Brantford; of Captain Drew, at Woodstock; of Mr. Askin, at London; and Mr. William Salmon, at Simcoe. Probably 100 men in each company would be sufficient. This could be readily done, and would not only keep all things right here, but would at all times be an efficient force to act elsewhere when occasion should require.

It is a matter of no small mortification to me to have failed in capturing the traitor Duncombe and his rebel band. And I very much fear he will not give me an opportunity of attacking him, but like the other leaders of the rebel bands, will fly the country.

I have, &c.
(signed) *Allan N. M'Nab,*
Colonel Commanding.

COPY of a LETTER from Colonel A. N. M'Nab to Colonel Halkett.

No. 2.

Head-quarters, Township of Oaklands, Scotland,
December 15, 1837.

Sir,

I HAVE the honour to report, that the rebels have dispersed in all parts of this district, and that I have taken every precaution to intercept them and cut off their retreat.

I have received several deputations from these misguided men, praying for leave to come in and surrender their arms, take the oath of allegiance, if necessary, and join the troops under my command. In endeavouring to find out those of the leaders who may yet remain behind,

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behind, so far I have refused their request, unless the leaders are delivered into my hands. On this subject I am to meet several deputations this day, and will forward a more explicit despatch respecting it in the morning.

Intelligence having reached this place, that a body of foreigners were threatening to cross the Niagara river, to join any rebels that may yet be found in this county, I have this moment been called upon by Col. Rapelje, Col. Salmon, Col. Askin, Col. M'Call, and the officers commanding the regiments and volunteer corps in this district, with a request that I will offer to his Excellency their services, with 2,000 or more of the gallant militia of this district, who will be ready on the slightest notice to march to the frontier, should their country require their services; and I have no hesitation in stating, that should any demonstration be made on that frontier, a sufficient force of cavalry and infantry can be poured into that quarter from the London and Gore districts, more than adequate to put it down.

I cannot describe in terms sufficiently strong, the enthusiasm and ardour with which the loyal inhabitants of this county are crowding to my aid.

I have, &c.

(signed) *Allan N. M'Nab*,
Colonel Commanding.Lieut.-Col. Hackett, &c. &c.
Toronto.

COPY of His Excellency's Reply.

Sir,

Government House, Dec. 18, 1837.

I am commanded by his Excellency the Lieutenant-governor to acknowledge the receipt of your despatch of the 16th instant, in which you convey to his Excellency the pleasing intelligence that the rebels in the London district, without offering you resistance, had completely dispersed.

With respect to the misguided men who have taken part in this business, it is his Excellency's desire that you should make every exertion for securing the ringleaders, who should in every instance be humanely attended to.

His Excellency cannot authorize you to extend pardon to any one; but he recommends that all those who wish to surrender themselves should, excepting the ringleaders, and any who have committed violence to the persons or properties of others, be discharged on recognizances with sufficient bail to appear at the next court of oyer and terminer.

I have, &c.

(signed) *F. Halkett*, A. D. C.

Sir,

Head-quarters, Sodor,
Township of Norwich, 18 December 1837.

I HAVE the honour to report, that within a short time after the receipt of the paper which I yesterday enclosed, together with my answer, upwards of 200 of the rebels and disaffected persons marched in and surrendered themselves and their arms. They were received in the centre of a square formed by the volunteers under my command, and I availed myself of the opportunity thus afforded me of explaining to those deluded men the situation in which they had placed themselves; that by their wicked and unnatural conduct they had forfeited their lives and properties, and I permitted them to return to their homes, on the express condition that they should at any time surrender themselves, should his Excellency not think proper to extend to them the Royal clemency. Their arms are in my possession.

The ringleaders, and some of the most wicked and active men amongst them, including many of their officers, are detained prisoners, and I shall send them under a strong escort to London, to await their trials.

In justice to my own feelings, I cannot forbear expressing my entire conviction, that from all I have seen and heard, many of these unfortunate men have been grossly deceived by the traitor Duncombe and his colleagues; and I firmly believe that many of them will return to their allegiance, and yet be numbered among Her Majesty's faithful and loyal subjects.

I have been detained here longer than I expected; but the delay has been owing to the necessity for my maintaining a central position, so that easy intercourse might be kept up with the numerous detachments moving in all parts of the district, to ensure the total capture of the rebels, which, I am proud to say, has been done, very few having escaped; and the gallant militia volunteers under my command will, I am sure, give a good account even of those few ere we quit the field.

A good deal of time has necessarily been taken in procuring the requisite evidences, and in taking the depositions against the most prominent of the rebels.

I shall march from this place for Oxford to-morrow morning.

I have, &c.

(signed) *Allan N. M'Nab*,
Colonel Commanding.

Colonel the Hon. Jonas Jones.

UPPER
CANADA.No. 19.
Enclosures in
Sir F. B. Head's
Despatch,
28 December 1837.

P. S.—Robert Alway, M. P. P., is a prisoner. He was taken near Simcoe, on his way to the west. I am unable to furnish a complete return of the prisoners and arms taken, not having received the returns of the several officers commanding detachments; but the number of prisoners amount to nearly 500, and from 100 to 120 rifles.

Sir,

Head-quarters, Ingersol, 19 December 1837.

I HAVE the honour to acknowledge the receipt of your despatch of the 18th instant, with its enclosures.

I halted here this afternoon at four o'clock, after a very severe march, through ice and snow, of 18 miles. The men bear the fatigue well. I hope to reach London to-morrow night.

As I stated in a former despatch, it is my intention to organize a volunteer corps at London, of from 100 to 150 men, which I shall submit for the approval of his Excellency. I shall do the same at Woodstock, Brantford, and Simcoe.

It has been reported to me that a good deal of disaffection prevails in the western district, particularly in the neighbourhood of Sandwich. The reports, however, are very contradictory upon this subject.

It is my intention to allow the militia, except the volunteers with me, and the volunteer companies above mentioned, to return to their homes; as I am satisfied that it is not prudent at this inclement season of the year to harass them more than there is necessity for. I am assured by all those whose opinion is worth having, that on the slightest intimation they will again fly to their posts. This is also my opinion.

The remaining prisoners, except the notorious offenders, will be immediately set at liberty, after being bound over to appear at the next general gaol delivery, as you have directed.

Finlay Malcolm was taken last night by a party of my men; others are still in pursuit of Duncombe. Malcolm has been sent to Hamilton with several other prisoners, including Elliott, Austin, and Carroll, the latter from the city of Toronto, and from the township. There now seems to be little doubt that they are the men who accompanied M^rKenzie in his retreat. The men, with the saddles, bridles, &c. shipped from Buffalo (if true) shall be well looked after.

I have written to Captain Gourlay to drill his men; and to hold himself in readiness to march at moment's warning to the frontier, should his services be required there.

I beg you will apply to the proper quarter for 400 stand of arms and accoutrements, with a supply of ball cartridge; 100 for Simcoe, 100 for London, 100 for Woodstock, and 100 for Brantford. Please reply to this in your next communication.

I have, &c.
(signed) *Allan N. M^rNab,*
Colonel Commanding.

Colonel the Hon. Jonas Jones.

Sir,

Barrie, 14 December 1837.

WE the undersigned, magistrates of the Home District, have the honour to acquaint you, for the information of his Excellency the Lieutenant-governor, that on receiving expresses from the magistrates of the Holland Landing, that an armed band of rebels had marched to endeavour to surprise the capital, prompt measures were taken to send forward the militia and volunteers, the latter organized as efficiently as possible, and directed to place themselves in communication with such forces as, in the urgency of the moment, might have been assembled, and to co-operate in putting down rebellion.

It is a pleasant duty to report on this occasion that the whole population rose *en masse*, and nobly responded to the summons, leaving none but the women and children to take care of their houses.

While we have the heartfelt satisfaction of thus doing justice to our fellow subjects without distinction in this part of the county of Simcoe, it is with gratitude to an all-wise and protecting Providence, whose hand has been so visible in this our day, that the wicked and deluded men who dared to disturb the peace of a loyal people, are dispersed, and that we can return to our firesides and resume our occupations with confidence in the vigilance of his Excellency's government.

We have, &c.
(signed) *J. M. Hamilton, J. P.*
James Wickens, J. P.
Elmes Steele, J. P.
John Whitley, J. P.
Samuel Richardson, J. P.

Gentlemen,

Government-House, 16 December 1837.

I HAVE received the communication of the magistrates of Barrie, in the county of Simcoe, announcing the measures taken there for co-operating in the defence of the Government on the present occasion. The steps taken were highly creditable and judicious, and I have particular satisfaction in acknowledging the loyal feeling which has been so actively displayed by the good people of the county of Simcoe.

(signed) *F. B. Head.*

The Magistrates of Barrie.

— No. 20. —

(No. 1.)

COPY of a DESPATCH from Lieutenant-Governor Sir *F. B. Head*, Bart., to
Lord *Glenelg*.

No. 20.
Sir *F. B. Head* to
Lord *Glenelg*,
3 January 1838.

My Lord,

Government-House, Toronto, 3 January 1838.

I HAVE the honour to transmit to your Lordship copies of the addresses of the two Houses of the Legislature in reply to the speech from the Throne.

I have, &c.
(signed) *F. B. Head*.

Enclosure in No. 20.

To his Excellency Sir *Francis Bond Head*, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant-Governor of the Province of Upper Canada, &c. &c.

Encl. in No. 20.

May it please your Excellency,

WE, Her Majesty's dutiful and loyal subjects, the Legislative Council of Upper Canada in Provincial Parliament assembled, beg leave to return our respectful thanks for your Excellency's speech from the throne.

On this first occasion of our assembling since the demise of his late Majesty, of blessed memory, we cannot forbear expressing our participation in those feelings with which the recollection of his reign will long be cherished, for the mild benignity of his disposition and his earnest desire to secure the peace and promote the happiness of his subjects. We unite with your Excellency in offering our humble but hearty congratulations upon the accession of Her present Majesty Queen Victoria, to whom we earnestly pray that the blessings of Divine favour may be extended through a long, glorious, and happy reign.

It may seem an inauspicious commencement of Her Majesty's rule over Her provinces of Canada, that the standard of rebellion has been recently, for the first time, unfurled in them; but we humbly trust that a wise, over-ruling Providence, which orders all things for good, will make even the miseries of these unnatural and hopeless contests productive of lasting advantage to these colonies, by increasing the security of our free institutions.

The promptness with which an apparently formidable insurrection in Lower Canada has been suppressed by Lieutenant-general Sir John Colborne with the gallant troops and volunteers under his command, and the instant and complete dispersion of the insurgents in this province by your Excellency and the gallant militia, cannot but afford to the Queen's loyal subjects in the colonies the most encouraging hope that tranquillity is about to succeed to a long period of unreasonable and injurious agitation.

If there were countries on the globe in which rational liberty was enjoyed in its fullest extent—in which the laws were impartially administered, property protected, and the fruits of industry, almost undiminished by public burdens, reaped in security, the provinces of Canada contained a population which, before these unhappy tumults, possessed those blessings.

But in all communities there are individuals who labour only to produce disorder; and it is not extraordinary that there have been found in both these colonies some few men of bad passions or perverted understandings who, instead of enjoying with grateful hearts the good so bountifully spread before them, have made it the base employment of their lives to alienate the affections of a happy people from a just and indulgent Government, and to produce jealousies, discord, and violence where nothing but peace, contentment, and thankfulness should have reigned.

But it is nevertheless extraordinary that in either colony any considerable impression should have been made upon the people by efforts so manifestly wicked and unjust; and it seems as if the dispensations of Divine Providence required that the miserable consequences of an unnatural, causeless, and desperate rebellion against a powerful and just Government should be actually felt by the people of these favoured provinces, in order that those who had been so long deluded might at length see their own folly, and the wickedness and ingratitude of their leaders, in their strongest light.

We earnestly trust that the afflicting lessons which have been thus afforded may lead to lasting good. To the number of misguided persons who have submitted themselves to the laws and acknowledged their crime, it must be evident how grossly they have been deceived; they find their leaders flying from the just vengeance of insulted laws, and leaving their infatuated followers to the mercy of a Government which they had ungratefully endeavoured to destroy; and when they consider for what object they have exposed themselves and their families to ruin, guiltily assailed the lives of their fellow subjects, and violated their oaths of fidelity to a just and mild Government, they cannot but perceive that, having no wrongs to complain of, they have without excuse allowed themselves to be made the instruments of gratifying the malice or promoting the ambition of a few unprincipled men.

We cannot allude to the late wicked insurrection in this province, of which your Excellency has described the origin and progress, without expressing our fervent gratitude to

UPPER
CANADA.

No. 20.

Sir F. B. Head to
Lord Glenelg,
3 January 1838.

Encl. in No. 20.

Almighty Providence for having preserved your Excellency and our loyal fellow-subjects who surrounded you from the dangers with which you were threatened; nor can we forbear most devoutly to acknowledge the signal interposition displayed by a succession of circumstances in favour of the inhabitants of this city, which combined to defeat the atrocious designs of the insurgents, and to give effect to the spirited exertions made in its defence.

We feel a just pride in being inhabitants of a country whose Governor could unreservedly throw himself, as your Excellency did, upon the loyalty and spirit of the people as the only defence necessary to protect him from danger, and as a sufficient support for the laws and constitution against the open violence of their declared enemies. Such an example, and so glorious a result, cannot fail to raise the character of Upper Canada in the estimation of Her Sovereign and the British empire.

This extraordinary attempt to subvert our Government has been attended with many beneficial results; it has exposed the gross falsehoods and deceptions to which the leaders of the insurrection had recourse, in order to delude their followers. It has shown, plainly and undeniably, that the agitation which for many years past has disturbed the province and impeded its welfare, had for its object to separate us from the parent state, to gratify private malice and lawless rapacity by cruel acts of revenge, and by the plunder of public and private property. It has shown that the free inhabitants of this province are loyal, faithful, generous and brave; for nothing could be more animating and affecting than the ardour and courage with which the several districts of Upper Canada, in the depth of winter, poured forth their thousands, at a moment's warning, to rally round their Government in the hour of danger, and to extend their protection to their fellow-subjects, whose lives and liberties were threatened. It has taught the abettors of treason that those who really value their freedom, and are prepared like men to defend it, infinitely out-number those who falsely pretend to be the advocates of liberty, but who abuse that sacred name for the purposes of faction and guilty ambition.

These lessons, we lament to say, have not been unattended with affliction; but we are confident in the hope that your Excellency, and all who are intrusted with authority, and those even against whose lives and property the arm of violence has been raised, will distinguish, so far as may be just, between such as have been the instigators and willing actors in this unnatural rebellion, and those who by falsehoods and importunity have been seduced unhappily to take part in it. Of the latter, we are persuaded the greater number already look with shame and abhorrence upon that guilty conduct which has roused the indignation of their countrymen and exposed themselves to the punishment of the offended laws.

We have learned from your Excellency with concern and astonishment, that the tranquillity which had been so immediately restored to all parts of this province has been interrupted, and the services of our gallant and faithful militia prolonged at this inclement season, in consequence of a most extraordinary and unjustifiable invasion of our Niagara frontier by a band of armed citizens of the United States.

If, in a moment of civil commotion, anything had been wanting to animate the loyal subjects of this province in the discharge of their duty to their Government, the most powerful motive would be supplied by the attempt of a foreign people to intrude themselves upon our soil, and by their insulting threat to appropriate our lands as a booty to their lawless soldiers. But we are convinced the Government of the United States will do justice to their national character by affording ample reparation for this flagrant violation of existing treaties, and when the time of reflection has arrived, and a knowledge of the truth has found its way to our neighbours, they will look back, not without some degree of shame, at the credulity with which they believed the most palpable falsehoods, to the prejudice of the Government and free people of a friendly power, and at the forgetfulness of their obvious duties as men and Christians which has marked their conduct on this occasion; and while remembering these efforts to blow the flame of civil discord in a remote portion of Her Majesty's dominions, they will not fail to recall to mind the very different course which Great Britain pursued when she earnestly offered and exercised her powerful influence to avert from them the miseries of a threatened war with a mighty nation then in close alliance with herself, without her having any immediate interest in the contest.

We beg to be allowed to assure your Excellency of our entire approbation of the measures so promptly taken for calling the attention of the American Government to the unprovoked aggressions of a portion of their people, and for placing on the Niagara frontier a strong defensive force, under the command of Colonel M'Nab, the Speaker of the Assembly, whose services there and in the district of London, at the head of a gallant militia band of volunteers, have been most zealous and efficient.

As we have not been assembled under ordinary circumstances, but at a period of much anxiety, we concur in opinion with your Excellency, that a return to our several districts, as soon as the necessary business can be disposed of, would be prudent and satisfactory.

We shall not fail, however, to take into our consideration the adoption of such measures as will most effectually secure the inhabitants of this province against the recurrence of the danger to which they have lately been exposed. Besides the sympathy which we feel for our fellow subjects who have incurred so many dangers and privations in defence of their independence and laws, whose noble ardour claims the highest admiration, and demands for them protection through the Legislature, from similar evils, we feel that we owe it to the honour of the British name to be vigilant and firm in adopting measures for repelling all hostile aggressions upon our territory, from any foreign power, as well as for preventing internal dissensions and changes which would only introduce anarchy and confusion into this happy colony.

(signed) J. B. Robinson, Speaker.

Legislative Council Chamber, 1st January 1838.

To his Excellency Sir *Francis Bond Head*, Bart., Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant-Governor of the Province of Upper Canada, &c., &c., &c.

May it please your Excellency,

WE, Her Majesty's dutiful and loyal subjects, the Commons of Upper Canada in Provincial Parliament assembled, do most humbly thank your Excellency for your gracious speech from the throne, at the opening of the present session, and we most sincerely accord with your Excellency in your expression of condolence on the loss which has been sustained in the demise of his late Gracious Majesty William the Fourth, whose memory will long be held in filial gratitude and respect by the inhabitants of this province.

And we also avail ourselves of this opportunity to express our heart-felt pleasure in the accession of Her Majesty Queen Victoria to the throne of her ancestors, to whom we cheerfully offer the pledge of our enduring loyalty and unshriking support.

We feel it unnecessary to say, that we participate with your Excellency in the pain experienced by your Excellency at the altogether unexpected and unnatural rebellion that has recently appeared in this and one other district of the province. Your Excellency has truly declared, that looking to the enviable state of happiness and prosperity of the country, this attempt on the part of a few wicked and misguided men is too remarkable not to demand serious notice and consideration; and we assure your Excellency its origin and progress, now well known and understood, will receive from us the most grave and serious attention. In the meantime we feel proud in the new and convincing proof the brave and loyal militia of this province have given of the truth of the assurance that has been many times and confidently transmitted to the Sovereign, by their Representatives in Provincial Parliament, that the British Crown cannot boast of more faithfully devoted subjects than the inhabitants of Upper Canada.

It is not a matter of surprise to us that, although all the disaffected of this province (however encouraged, or by whatever hopes led on) having combined to overthrow our institutions, and to sever the union from the parent state, which we so dearly cherish as our greatest blessing, but which has been denounced as "a baneful domination," suddenly appeared in arms to effect their purpose; the loyal subjects of our Queen, at a moment when they believed themselves in perfect security from so foul and unnatural a treason, and were therefore wholly unprepared to defend themselves from the unexpected assault, should have risen in indignant power, and gallantly and patriotically crushed the daring and unprincipled efforts of their assailants. To the calls of honour, of duty, and of patriotism, the great body of the people of Upper Canada have ever shown themselves alive; and by these principles, and these only, have they been actuated in the recent contest, and by them will they be governed in all times to come. Neither can we forbear to notice, and to acknowledge with heartfelt satisfaction and delight that which justice and truth demand at our hands, that among those who flew to arms in defence of our Constitution and our laws, men of all creeds and parties, forgetting local differences and distinctions of politics, were to be found; and we can only hope that these indisputable facts will be remembered by the British nation, when the enemies of our peace and our honour shall raise their voices against us in the British senate or elsewhere.

We think it unnecessary at this moment to remark more at large on the origin and progress of the calamity we have been called upon to deplore, as a more fit opportunity will probably present itself before the close of the present session. It may, however, be consistent with candour, and the dictates of a solemn duty, that this House should intimate now, and upon all occasions, that the root of the evil is not to be found in this province, but in the unwise and mistaken policy which has for years past been pursued by those who were bound to consider in what way protection could be best given to the loyal, rather than encouragement to the disaffected, and to have acted accordingly.

The contrition evinced by hundreds of deluded and misguided men, who declare themselves to have been deceived into the commission of the crimes of which they now stand charged, is gratifying to the feelings of every humane and benevolent mind; and we are grateful to Divine Providence that the effusion of human blood in this unnatural contest has been so slight. Neither can we pass over, without distinct notice and approbation, the able manner in which the service committed by your Excellency to Colonel M^cNab, the Speaker of this House, was performed by that officer in the London District.

We assure your Excellency, that it is with surprise and regret we learn, that after peace and tranquillity had been restored in the province, by the defeat and dispersion of all those who had taken up arms in rebellion, we should be threatened with a hostile invasion by the citizens of a foreign country, with whom the Government is at peace. The pretext for aiding the cause, and for enlisting in the service of the few fugitives who, shunning the avenging arm of offended justice which was raised to punish them for murder, arson, and robbery, sought to cloak their real character under the sacred names of patriotism and liberty, is too flimsy to impose on any one, or to place their conduct in any other light than that of an atrocious aggression of the laws, liberty, and property of the people of Upper Canada. But we feel it just to express our conviction that the American people, with a due regard to their national honour, will promptly discountenance these unhallowed proceedings, which we believe will turn out to be those of a few unprincipled adventurers; and we look confidently to the Government of the United States for that line of conduct which is consistent with good faith and the solemn obligations of existing treaties with the British nation. Should

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we unfortunately be deceived in these just and reasonable anticipations, and should this unwarrantable invasion proceed, we beg to assure your Excellency that the people of this province will faithfully perform their duty; and we doubt not that in defending their domestic hearths, their wives and families from hostility and destruction, they will fight under the protection of the God of Battles, who will give victory to their arms; nor do we fear but that the protection of the mighty empire of which we form a portion will be extended to our aid, and that her warriors will rush to assist us in this struggle for all that is dear to us as men and as Britons, as well as to vindicate the national honour, and to chastise the unprovoked invaders of the soil.

We await, however, the replies to the communication addressed to the Governor of the state of New York, and to Her Majesty's Minister at Washington, by your Excellency, in full confidence that they will contain an explicit assurance that we need not apprehend any further aggression on the part of the citizens of the United States, or from any portion of their territory, upon the province of Upper Canada; and we rejoice to hear that in the meantime the defence of the frontier is entrusted to the gallant militia, and that your Excellency has made arrangements for calling forth the whole strength of the country, should circumstances render such a course necessary.

The complete success that has attended the operations ably planned and gallantly executed by that distinguished commander Lieutenant-general Sir John Colborne, in Lower Canada, and the brave officers and men, militia and troops of the line, under his command, claims our warmest admiration and thanks. We however are deeply sensible that to an over-ruling Providence we are indebted for the preservation and protection with which we have so signally been blessed; and we humbly trust to that Divine and Merciful Power to put a speedy termination to the dissensions that have so deeply affected the peace of these provinces.

We shall direct our attention to the public accounts, and to a consideration of the estimates for the ensuing year, as soon as they shall be laid before us.

We will not fail to provide for the proper support of the civil government, and should an expenditure of a more than ordinary character be requisite for the safety of the province, we shall not hesitate in making such a provision as the exigency of the case may require.

The propriety of indemnifying any of the inhabitants of this province who have sustained serious losses from the outrageous acts of the insurgents, and of providing pensions for the very few subjects of Her Majesty who may have been disabled by wounds received in defence of their laws, will engage our serious consideration. We shall not fail to devote our earliest attention to such measures as are called for by the present state of affairs, and as will tend to secure the safety of the province, and in favour of these important objects we shall postpone the consideration of such matters as the interests of the country do not require should be at once attended to.

We feel that the people who, at this inclement season, forsook their families, and rushed in thousands to the defence of their independence and their laws, deserve that every exertion should be made by us for their future protection, and we are sensible of the necessity that exists of providing for the suppression of such guilty proceedings as were displayed in the recent insurrection in their earliest stages.

We trust that in the exercise of a sound discretion, we shall be able to devise such measures as may be best suited for maintaining the public tranquillity, and for protecting the lives and properties of Her Majesty's subjects.

Our most serious consideration shall also be directed to the means of preventing or repelling such hostile aggressions by the people of a friendly power, as the frontier at present exhibits; and we confidently believe that we shall be able to maintain the safety and honour of the province as an integral portion of the British empire; that watchful over the designs of our enemies, and prompt in firmly resisting their attacks, the people will endeavour to sustain their character as a British province, and to show themselves worthy of the land from which they and their forefathers have sprung.

(signed) *H. Ruttan*, Speaker.

Commons House of Assembly, 1st day of January 1838.

— No. 21. —

EXTRACT of a DESPATCH from Lieutenant-Governor Sir *F. B. Head*, Bart., to Lord *Glenelg*; dated Toronto, 10 January 1838.

No. 21.

Sir F. B. Head to
Lord Glenelg,
10 January 1838.

I HAVE the honour to transmit to your Lordship a copy of a communication I have felt it expedient to address to his Excellency Henry S. Fox, Her Majesty's Minister at Washington, respecting the capture and destruction of the steam-boat *Caroline*, which, having been purchased or chartered by the pirates on Navy Island, was employed by them in supplying the island with munitions of war.

The correspondence on the subject between Mr. Arcularius, Commissary-general of the State of New York, and Colonel the honourable Allan M'Nab, commanding the forces of Her Britannic Majesty, will satisfactorily explain to your

your Lordship that the American authorities want either the will or the power to control their people.

The exploit of cutting out the *Caroline* is one which reflects so much credit upon those by whom it was executed, that I shall feel it my duty to bring their gallant conduct under the especial consideration of Her Majesty's Government.

I have not time to address your Lordship to-day on the general situation in which we are placed here; but I can assure you that there is not at this moment a rebel in arms in the province; that the attempt at rebellion was immediately and effectually crushed; and that, as regards the political state of the province, there is nothing whatever to fear.

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(No. 1.)

To His Excellency *Henry S. Fox*, Esq., Her Majesty's Minister at Washington.

Sir,

Toronto, Upper Canada, 8 January 1838.

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No. 21.

I HAVE the honour to enclose you the copy of a special message sent by his Excellency Governor Marcy to the Legislature of the State of New York, in relation to a matter on which your Excellency will desire the earliest and most authentic information. The message only reached this place yesterday; and I lose no time in communicating with your Excellency on the subject.

The Governor of the State of New York complains of the cutting out and burning of the steam-boat *Caroline*, by order of Colonel M'Nab, commanding Her Majesty's forces at Chippewa, in the province of Upper Canada; and of the destruction of the lives of some American citizens who were on board of the boat at the time she was attacked.

The act complained of was done under the following circumstances:

In Upper Canada, which contains a population of about 450,000 souls, the most perfect tranquillity prevailed up to the 4th day of December last, although, in the adjoining province of Lower Canada, many of the French Canadian inhabitants had been in open rebellion against the Government for about a month preceding.

At no time since the treaty of peace with the United States in 1815 had Upper Canada been more undisturbed. The real causes of the insurrection in Lower Canada, namely, the national antipathy of the French inhabitants, did not, in any degree, apply in the Upper Province, whose population, like the British and American inhabitants of Lower Canada, were wholly opposed to the revolt, and anxious to render every service in their power in support of the Queen's authority. It had been reported to the Government, some time before the 4th of December, that, in a remote portion of the home district, a number of persons occasionally met and drilled with arms, under leaders known to be disaffected; but it was not believed by the Government that anything more could be intended than to make a show of threatened revolt, in order to create a diversion in favour of the rebels in Lower Canada. The feeling of loyalty throughout this province was known to be so prevalent and decided, that it was not thought unsafe to forbear, for the time at least, to take any notice of the proceedings of this party.

On the night of the 4th December the inhabitants of the city of Toronto were alarmed by the intelligence that about 500 persons, armed with rifles, were approaching the city; that they had murdered a gentleman of great respectability in the highway, and had made several persons prisoners. The inhabitants rushed immediately to arms. There were no soldiers in the province, and no militia had been called out. The home district, from which this party of armed men came, contains 60,000 inhabitants; the city of Toronto 10,000. In a few hours a respectable force, although undisciplined, was collected and armed in self-defence, and awaited the threatened attack. It seems now to admit of no doubt that, if they had at once advanced against the insurgents, they would have met with no formidable resistance; but it was thought more prudent to wait until a sufficient force should be collected to put the success of an attack beyond question. In the meantime, people poured in from all quarters to oppose the insurgents, who obtained no increase of numbers, but, on the contrary, were deserted by many of their body, in consequence of the acts of devastation and plunder into which their leader had forced them.

On the 7th of December an overwhelming force of militia went against them and dispersed them without losing a man, taking many prisoners, who were instantly released by my order, and suffered to depart to their homes; the rest, with their leaders, fled; some have since surrendered themselves to justice, many have been taken, and some have escaped from the province.

It was reported about this time that in the district of London a similar disposition to rise had been observed, and in consequence a militia force of about 400 men was sent into that district, where it was speedily joined by three times as many of the inhabitants of the district, who assembled voluntarily, and came to their aid with the greatest alacrity.

It was discovered that about 300 persons under Dr. Duncombe, an American by birth, were assembled with arms; but before the militia could reach them they dispersed themselves and fled. Of these by far the greater number came in immediately and submitted themselves to the Government, declaring that they had been misled and deceived, and praying for forgiveness.

In about a week perfect tranquillity was restored, and from that moment not a man has

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been seen in arms against the Government in any part of the province, with the exception of the hostile aggression upon Navy Island, which I shall presently notice, nor has there been the slightest resistance offered to the execution of legal process in a single instance.

After the dispersion of the armed insurgents near Toronto, Mr. M'Kenzie, their leader, escaped in disguise to the Niagara river, and crossed over to Buffalo. Reports had been spread there and elsewhere along the American frontier, that Toronto had been burnt, and that the rebels were completely successful; but the falsehood of these absurd rumours was well known before M'Kenzie arrived on the American side. It was known also that the ridiculous attempt of 400 men to revolutionize a country containing nearly half a million of inhabitants, had been put down by the people instantly, and decidedly, without the loss of a man.

Nevertheless, a number of American citizens in Buffalo and other towns on the frontier of the state of New York, enlisted as soldiers with the avowed object of invading Canada and establishing a provisional government. Public meetings were held to forward this design of invading a country with which the United States were at peace. Volunteers were called for, and arms, ammunition, and provisions were supplied by contributions openly made; all this was in direct and flagrant violation of the express laws of the United States, as well as of the law of nations.

The civil authority of Buffalo offered some slight show of resistance to the movement, being urged to interpose by many of the most respectable citizens, but no real impediment was offered; and on the 13th of December some hundreds of the citizens of the state of New York, as an armed body, under the command of a Mr. Van Rensselaer, an American citizen, openly invaded and took possession of Navy Island, a part of Upper Canada, situate in the river Niagara.

Not believing that such an outrage would really be committed, no force whatever was assembled at the time to counteract this hostile movement.

In a very short time this lawless band obtained from some of the arsenals of the state of New York, clandestinely, as it is said, several pieces of artillery and other arms, which in broad daylight were openly transported to Navy Island, without resistance from the American authorities, the people of Buffalo and the adjacent country continued to supply them with stores of various kinds, and additional men enlisted in their ranks. In a few days their force was variously stated from 500 to 1,500, of whom a small proportion were rebels, who had fled from Upper Canada. They began to entrench themselves, and threatened that they would in a short time make a landing on the Niagara river.

To prevent this and keep them in check, a body of militia was hastily collected and stationed on the frontier, under the command of Colonel Cameron, assistant adjutant-general of militia, who was succeeded in this command by Colonel M'Nab, the Speaker of the House of Assembly, an officer whose humanity and discretion, as well as his activity, have been proved by his conduct in putting down the insurrection in the London district, and have been acknowledged in warm terms of gratitude by the misguided persons who had surrendered themselves into his hands. He received orders to act on the defensive only, and to be careful not to do any act which the American government could justly complain of as a breach of neutrality.

An official statement of the unfriendly proceedings at Buffalo was, without delay, on the 13th December, made by me to his Excellency the Governor of the State of New York, to which no answer has been received; and after this open invasion of our territory, and when it became evident that nothing was effected at Buffalo for preventing the violation of neutrality, a special messenger was sent to your Excellency at Washington, to urge you, interposition in the matter. Sufficient time has not yet elapsed to admit of his return. Soon after his departure this band of outlaws on Navy Island, acting in defiance of the laws and government of both countries, opened a fire from several pieces of ordnance upon the Canadian shore, which in this part is thickly settled, the distance from the island being about 600 yards, and within sight of the populous village of Chippewa. They put several balls (six-pound shot) through a house in which a party of militia men were quartered, and which is the dwelling-house of Captain Usher, a respectable inhabitant. They killed a horse on which a man at the time was riding, but happily did no further mischief, though they fired also repeatedly with cannon and musketry upon our boats.

They continued daily to render their position more formidable, receiving constant supplies of men and warlike stores from the state of New York, which were chiefly embarked at a landing-place on the American main shore, called Fort Schlosser, nearly opposite to Navy Island. This place was once, I believe, a military position before the conquest of Canada from the French, but there is now neither fort nor village there, but merely a single house occupied as a tavern, and a wharf in front of it, to which boats and vessels are moored. The tavern had been, during these lawless proceedings, a rendezvous for the band, who cannot be called by any name more appropriate than pirates, and was in fact openly and notoriously resorted to as their head quarters on the main land, and is so to this time. On the 28th December positive information was given to Colonel M'Nab, by persons from Buffalo, that a small steam-boat called the Caroline, of about 50 tons burthen, had been hired by the pirates, who called themselves patriots, and was to be employed in carrying down cannon and other stores, and in transporting men, and anything else that might be required, between Fort Schlosser and Navy Island.

He resolved, if she came down and engaged in this service, to take or destroy her. She did come down, agreeably to the information he received. She transported a piece of artillery and other stores to the island, and made repeated passages during the day between the island and the main shore. In the night he sent a party of militia in boats, with orders to take

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take or destroy her. They proceeded to execute the order. They found the Caroline moored to the wharf opposite to the inn at Fort Schlosser. In the inn there was a guard of armed men to protect her, part of the pirate force, or acting in their support. On her deck there was an armed party, and a sentinel who demanded the countersign.

Thus, identified as she was with the force which, in defiance of the law of nations and every principle of natural justice, had invaded Upper Canada and made war upon its unoffending inhabitants, she was boarded; and after a resistance in which some desperate wounds were inflicted upon the assailants, she was carried. If any peaceable citizens of the United States perished in the conflict, it was and is unknown to the captors; and it was and is equally unknown to them whether any such were there.

Before this vessel was thus taken, not a gun had been fired by the force under the orders of Colonel M'Nab, even upon this gang of pirates, much less upon any peaceable citizen of the United States. It must therefore have been a consciousness of the guilty service she was engaged in that led those who were employing her to think an armed guard necessary for her defence. Peaceable citizens of the United States were not likely to be found in a vessel so employed at such a place and in such a juncture; and if they were there, their presence, especially unknown, as it was, to the captors, could not prevent, in law or reason, this necessary act of self-defence.

Fifteen days had elapsed since the invasion of Upper Canada by a force enlisted, armed, and equipped openly in the state of New York.

The country where this outrage upon the law of nations was committed is populous; Buffalo alone contains 15,000 inhabitants. The public authorities, it is true, gave no countenance to those flagrant acts, but it did not prevent them, or in the slightest degree obstruct them, further than by issuing proclamations which were disregarded. Perhaps they could not; but in either case the insult and injury to the inhabitants of Canada were the same, and their right to defend themselves equally unquestionable.

No wanton injury was committed by the party who gallantly effected this service; they loosed the vessel from the wharf, and finding they could not tow her against the rapid current of the Niagara, they abandoned the effort to secure her, set her on fire, and let her drift down the stream.

The prisoners taken were, a man who, it will be seen by the documents accompanying this despatch, avowed himself to be the subject of Her Majesty, inhabiting Upper Canada, who had lately been traitorously in arms in that province, and having fled to the United States, was then on board for the purpose of going to the camp at Navy Island, and a boy, who, being born in Lower Canada, was probably residing in the United States, and who, being afraid to land from the boat, in consequence of the firing kept up by the guard on the shore, was placed in one of the boats under Captain Drew and taken over to our side, from whence he was sent home the next day by the Falls Ferry, with money given him to bear his expenses.

I send with this letter:—

1. A copy of my first communication to his Excellency Governor Marcy, to which no reply has reached me.

2. The official reports, correspondence, and militia general order respecting the destruction of the Caroline, with other documents.

3. The correspondence between Commissary-general Arcularius, of the state of New York, respecting the artillery belonging to the government of the state of New York, which has been and is still used in making war upon this province.

4. Other correspondence, arising out of the present state of things on the Niagara frontier.

5. The special message of Governor Marcy.

It will be seen, from these documents, that a high officer of the government of the state of New York has been sent by his Excellency the Governor for the express purpose of regaining possession of the artillery of that state, which is now employed in hostile aggressions upon this portion of Her Majesty's dominions; and that being aided and favoured, as he acknowledges, by the most friendly co-operation which the commanding officer of Her Majesty's forces could give him, he has been successfully defied by this army of American citizens, and has abandoned the object of his mission in despair. It can hardly fail to be also observed by your Excellency, that in the course of this negotiation between Mr. Van Rensselaer and the Commissary-general of the state of New York, this individual, Mr. Van Rensselaer, has not hesitated to place himself within the immediate jurisdiction of the government whose laws he has violated, and in direct personal communication with the officer of that government, and has nevertheless been allowed to return unmolested to continue in command of American citizens engaged in open hostilities against Great Britain.

The exact position, then, of affairs in our frontier may be thus described:

An army of American citizens, joined to a very few traitors from Upper Canada, and under the command of a subject of the United States, has been raised and equipped in the state of New York against the laws of the United States and the treaties now subsisting, and are using artillery plundered from the arsenals of the state of New York, in carrying on this piratical warfare against a friendly country.

The officers and government of the United States and the state of New York have attempted to arrest these proceedings and to control their citizens, but they have failed. Although this piratical assemblage is thus defying the civil authorities of both countries, Upper Canada alone is the object of their hostilities. The government of the United States has failed to enforce its authority by any means, civil or military, and the single question, if

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it be a question, is whether Upper Canada was bound to refrain from necessary acts of self-defence against a people whom their own government either could not or would not control.

In perusing the message of his Excellency Governor Marcy to the legislature of the state of New York, your Excellency will probably feel some degree of surprise that after three weeks' continued hostility carried on by the citizens of New York against the people of Upper Canada, his Excellency seems to have considered himself not called upon to make this aggression the subject of remark for any other purpose than to complain of a solitary act of self-defence on the part of Her Majesty's province of Upper Canada, to which such unprovoked hostilities have unavoidably led.

I have, &c.
(signed) F. B. Head.

(No. 2.)

COPY of a LETTER from *H. W. Rogers, Esq.*, District Attorney of the County of Erie, to the Hon. Col. *M'Nab*, Commanding Her Majesty's Forces at Chippewa.

Sir,

Buffalo, 29 Dec. 1837.

Our city has been thrown into commotion this morning by a report that certain forces under your command had within the last 12 hours landed upon Grand Island within the territory of the United States. I have no confidence in the report and believe it utterly without foundation, but to quell the apprehensions of our citizens I have pledged myself, as an acting officer of the government, to take every possible means to ascertain the truth of the report, and to prevent such an occurrence. In the absence of the marshal, I have commissioned Judge M'Lean, of this city, to wait on you immediately, and to make you acquainted with the present attitude of affairs. The judge will bear this to you, and upon his statements and representations you can rely with the most perfect confidence. Be assured, Sir, that the public authorities upon this frontier will put forth every effort to restrain our citizens and to maintain a strict neutrality.

With great consideration, I am, &c.

(signed) *H. W. Rogers*,
Dist. Att. of the Co. of Erie, and
Acting Att. for U. S.

To Col. A. N. M'Nab,
Commander of H. M. Forces at Chippewa.

(No. 3.)

REPLY of Col. *M'Nab*, to *H. W. Rogers, Esq.*

Sir,

Head-quarters, Chippewa, 29 Dec. 1837.

I HAVE the honour to acknowledge the receipt of your letter of this morning, just handed to me by the Hon. Mr. Justice M'Lean.

With respect to the report in the city of Buffalo, that certain forces under my command had landed upon Grand Island, an island within the territory of the United States, I can assure you that it is entirely without foundation, and that so far from my having any intention of the kind, such a proceeding would be in direct opposition to the wishes and instructions of Her Britannic Majesty's Government in this colony, whose servant I have the honour to be.

Entering at once into the feelings which induced you to address me upon this subject, I beg leave to call your attention to the following facts: that so far from occupying or intending to occupy that or any other portion of the American country, aggressions of a most serious and hostile nature have been made upon the forces under my command from that island. Two affidavits are now before me, stating that a volley of musketry from Grand Island was yesterday fired upon a party of unarmed persons, some of whom were females, without the slightest provocation having been offered. That on the same day one of my boats, manned by British subjects, passing along the American shore, and without any cause being given, was fired upon from the American side near Fort Schlosser by cannon, the property I am told of the United States.

I have also before me most positive information that a steam-boat, called the *Caroline*, was sold to the pirates who have joined the rebels in Navy Island, and loaded with provisions and munitions of war, not only within your country, but immediately under the notice of the authorities of the United States and of the citizens of Buffalo, whom you state to have been thrown into commotion by the report mentioned in your communication, and that these stores and munitions had been forwarded to Navy Island, for the use and assistance of the band of pirates assembled there, for the avowed purpose of invading and plundering the country, and dividing Her Britannic Majesty's lands amongst their deluded followers.

I have, &c.
(signed) *Allan N. M'Nab*,
Col. Commanding Her Majesty's Forces
on the Niagara Frontier.

H. W. Rogers, Esq.,
District Attorney, &c. &c. &c.

AFFAIRS OF LOWER CANADA, &c.

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UPPER
CANADA.

(No. 4.)

COPY of a LETTER from the Honourable *A. N. M^cNab*, Colonel Commanding, to
Lieutenant-Colonel *James M. Strachan*, Military Secretary.

No. 21.
Sir F. B. Head to
Lord Glenelg,
10 January 1838.

Head Quarters, Chippewa, 30 December 1837.
Saturday Morning, Three o'clock.

Sir,

Enclosures in
No. 21.

I HAVE the honour to report, for the information of his Excellency the Lieutenant-governor, that having received positive information that the pirates and rebels at Navy Island have purchased a steam-boat called the *Caroline*, to facilitate their intended invasion of this country, and being confirmed in my information yesterday, by the boat (which sailed under British colours) appearing at the Island, I determined upon cutting her out; and having sent Captain Drew, of the Royal Navy, he, in the most gallant manner, with a crew of volunteers (whose names I shall hereafter mention), performed this dangerous service, which was handsomely effected. In consequence of the heavy current it was found to be impossible to get the vessel over to this place, and it was therefore necessary to set her on fire. Her colours are now in my possession.

I have, &c.
(signed) *A. N. M^cNab*,
Colonel Commanding.

P.S.—We have two or three wounded, and the pirates about the same number killed.

(signed) *A. N. M^cNab*.

(No. 5.)

COPY of a LETTER from the Honourable *A. N. M^cNab* to Colonel *Strachan*.

Sir,

Head Quarters, Chippewa, 1 January 1838.

I HAVE the honour to enclose to you, for the information of his Excellency the Lieutenant governor, the report of Captain Drew, R. N., of the capture and destruction by fire of the piratical steamer *Caroline*, whilst engaged in the service of the rebels at Navy Island.

The report of that gallant officer, his Excellency will observe, is written with that modesty which always distinguishes the accounts of a brave man of his own valour; but I beg to assure his Excellency that it was a most daring and spirited action, and for which I feel most grateful to Captain Drew and the brave fellows under his command, who so nobly volunteered to perform this desperate service.

I shall take an early opportunity to forward to his Excellency the names of the party under Captain Drew, that the country may know every actor in this gallant affair.

It affords me the greatest satisfaction to state, that Captain *M^cCormack*, although severely wounded, is in a fair way of recovery. Captain *Arnold*'s wounds will, I trust, soon be healed. Captain *Warren* (late of the 66th) is doing duty as usual.

I have, &c.
To Col. *Strachan*, Military Secretary, (signed) *Allan N. M^cNab*,
&c. &c. &c. Col. Commanding.

(No. 6.)

COPY of a LETTER from Captain *Drew*, Commander, Royal Navy, to the Honourable
A. N. M^cNab, Colonel Commanding Her Majesty's Forces.

Sir,

Head Quarters, Chippewa, 30 December 1837.

I HAVE the honour to inform you, that in obedience to your commands to burn, sink, or destroy, the piratical steam-vessel which had been plying between Navy Island and the American shore the whole of yesterday, I ordered a look-out to be kept upon her; and at about five, P. M. of yesterday, when the day had closed in, Mr. *Harris*, of the Royal Navy, reported the vessel to me as having moved off Navy Island. I immediately directed five boats to be armed and manned with 45 volunteers, and at about 11 o'clock, P. M., we pushed off from the shore for Navy Island, when not finding her there as expected, we went in search, and found her moored between an island and the main shore.

I then assembled the boats off the point of the island, and dropped quietly down upon the steamer; we were not discovered until within 20 yards of her, when the sentry upon the gangway hailed us, and asked for the countersign, which I told him we would give when we got on board; he then fired upon us, when we immediately boarded, and found from 20 to 30 men upon her decks, who were easily overcome, and in two minutes she was in our possession. As the current was running strong, and our position close to the Falls of Niagara, I deemed it most prudent to burn the vessel; but previously to setting her on fire we took the precaution to loose her from her moorings, and turn her out into the stream, to prevent the possibility of the destruction of anything like American property. In short, all those on board the steamer who did not resist were quietly put on shore, as I thought it possible there might be some American citizens on board. Those who assailed us were of course dealt with according to the usages of war.

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I cannot

UPPER
CANADA.

No. 21.

Sir F. B. Head to
Lord Glenelg,
10 January 1838.

Enclosures in
No. 21.

I cannot speak too highly of the conduct of the officers and men who accompanied me; their coolness and bravery shows what may be expected from them, when their country requires their services. Where all behaved so well, it would be invidious in me to particularize any one; but I may be excused for mentioning the gallant conduct of Lieutenant Shepard M'Cormack, of the Royal Navy, who nobly seconded me, and had to encounter several of the pirates in the fore part of the vessel, by which, I regret to say, he has received five desperate wounds. We have also two others wounded; and I regret to add, that five or six of the enemy were killed. A return of our wounded I beg to subjoin.

I have, &c.
(signed) Andrew Drew,
Commander, Royal Navy.

P. S.—I beg to add, that we brought one prisoner away, a British subject, in consequence of his acknowledging that he had belonged to Duncombe's army, and was on board the steamer to join M'Kenzie upon Navy Island.

Andrew Drew.

Return of the Wounded :

Lieutenant Shepard M'Cormack, Royal Navy	-	-	-	-	-	-	-	desperately.
Captain Warren	-	-	-	-	-	-	-	slightly.
John Arnold	-	-	-	-	-	-	-	severely.

Andrew Drew.

(No. 7.)

Sir,
Niagara, 1 January 1838.
THE Lieutenant-governor on his arrival here, has this moment received your despatch of this day, enclosing to his Excellency the report of Captain Drew, R. N., of the capture and destruction of the piratical steamer Caroline, whilst engaged in the service of the rebels on Navy Island.

His Excellency desires me to express to you his unqualified approbation of this proceeding, and he desires that you will convey to Captain Drew, to Lieut. M'Cormack, and to the other brave volunteers who accompanied him, his thanks for the important service they have rendered this province, and which his Excellency will lose no time in making known to Her Majesty's Government.

I have, &c.
(signed) J. M. Strachan,
Military Secretary.
Col. the Hon. Allan Napier M'Nab,
&c. &c. &c.

(No. 8.)

General Order.

Head Quarters, Chippewa, 3 Jan. 1838.
COLONEL M'NAB has great satisfaction in announcing to the forces under his command that the destruction of the steam-boat Caroline, in the employment of the pirates in Navy Island, which was effected in a manner so highly creditable to the gallant volunteers from the naval brigade and troops in the night of the 29th December 1837, has met with the unqualified approbation of his Excellency the Lieutenant-governor; and that his Excellency desires to express to Captain Drew and the brave volunteers who accompanied him, his thanks for the important services they have rendered this province, and which his Excellency will lose no time in making known to Her Majesty's Government.

(signed) K. Cameron,
Assistant Adjutant-General.

(No. 9.)

The following are the Affidavits referred to in Colonel M'Nab's Correspondence :

Affidavit of *Sylvanus Fearn* *Wrigley*, sworn before Mr. Justice Hamilton Merritt, at Chippewa, 30 December 1837. (*Vide* p. 2.)

Affidavit of *George Nolo* *p*, sworn before Mr. Justice Rykert, at Chippewa, 20 December 1837. (*Vide* p. 3.)

Affidavit of *Luke Walker*, sworn before Mr. Justice Hamilton Merritt, 30 December 1837. (*Vide* p. 4.)

District of Niagara, } JAMES WOOD, late of the city of Buffalo, in the state of New York,
to wit. } mariner, but now of the village of Chippewa, in the province of
Upper Canada, maketh oath and saith, that he was at Buffalo when the steamer Caroline was cut out of the ice; he saw the men working at her, and in his opinion the numbers employed

AFFAIRS OF LOWER CANADA, &c.

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employed could not be much less than 1,000; that it was generally understood that they were volunteers, working for M^cKenzie and the patriots on Navy Island, and it was the common talk of the town that the Caroline was intended for the use of the patriots on the island; that he, this deponent, saw on board of the said boat when she left, muskets, swords, and flour; that he asked Captain Appleby, who commanded the boat, where she was going, and that Appleby said "to Dunkirk," which is 45 miles above Buffalo; that deponent replied, that he believed the Dunkirk he meant would be in another direction, meaning Navy Island, that the captain then smiled, and made no reply. Deponent further saith, that he has heard many rich people in Buffalo say, that if the patriots would fight they would find them.

(signed) *James Wood.*

Sworn before me, at Chippewa, in the district of Niagara, this 8th day of January 1838.

Warner Nelles, J. P.

UPPER
CANADA.

No. 21.

Sir F. B. Head to
Lord Glenelg,
10 January 1838.

Enclosures in
No. 21.

(No. 10.)

District of Niagara, } *ANDREW DREW*, of the village of Woodstock, in the district of London to wit: } don, esq., commander in the Royal Navy, deposeth and saith, that on the night of the 29th of December last, he proceeded, by direction of Colonel Allan Napier M^cNab, commanding Her Majesty's forces on the Niagara frontier, to take possession of the steam-boat Caroline, and that deponent did take possession of her accordingly; that he immediately gave orders for her to be cast off from the wharf to which she was moored, and to be set on fire; that previously to her being cast off from the wharf, the cabin below was searched, and the colours brought from it; that there was a man found lying in the cabin on deck, severely wounded, and that he was carefully lifted on to the wharf before the vessel was unmoored; that one fire was made in the cabin abaft, and another below in the fore part of the vessel where the machinery was, and where a quantity of cordwood was piled together, which was lighted from the coals of the fire-place; that full 10 minutes elapsed before the fire started into a blaze, and that one of deponent's own men was there the whole time kindling the fire; that deponent does not believe any living being was on board the Caroline after his party left her, and that it was impossible to suppose any person would have remained there knowing that a fire was lighting to burn the vessel; that deponent was the last person who left the vessel, except one, and that man stepped into the boat immediately after him; and that deponent does not believe that any person on board the Caroline jumped or was thrown overboard.

(signed) *Andrew Drew,*
Commander, Royal Navy.

Sworn before me at Chippewa, this 10th day of January 1838.

(signed) *James Cummings, J. P.*

(No. 11.)

COPY of a LETTER from the Honourable *Allan N. M^cNab*, Colonel Commanding, to Lieutenant-Colonel *Strachan*.

Sir,

Head Quarters, Chippewa, 2 Jan. 1838.

I BEG leave to report that I have just been called upon by Mr. Smith, one of the deputy-marshals of the state of New York, and collector of customs for the port of Manchester, with a letter from Henry Arcularius, esq., Commissary-general of military stores for the state of New York, which, with my reply, I have the honour to enclose.

I have, &c.

(signed) *Allan N. M^cNab,*
Colonel Commanding.

Lieutenant-Colonel Strachan,
Military Secretary.

(No. 12.)

COPY of a LETTER from General *Arcularius*, Commissary-General of the State of New York, to the Honourable Colonel *A. N. M^cNab*.

State of New York, Niagara Falls,
2 January 1838.

Sir,

HAVING just arrived in this part of the state of New York, pursuant to the commands of the Governor of this State, (a copy of which I have the honour herewith to enclose,) I would most respectfully solicit from you the suspension of an attack of the assemblage now lodged on Navy Island, bordering this frontier, until I can demand the surrender of any and all the arms, ordnance, and ordnance stores belonging to the people of this state, of which this assemblage have obtained the clandestine possession, and permission to withdraw the same if they shall be given up. The application will be made immediately, and without any delay on my part, or the part of those citizens to whom the communication is addressed.

I have, &c.

(signed) *Henry Arcularius,*
Commissary-General Military Stores, State of New York.

UPPER
CANADA.No. 21.
Sir F. B. Head to
Lord Glenelg,
10 January 1838.Enclosures in
No. 21.

(No. 13.)

COPY of a LETTER from His Excellency *W. L. Marcy*, Governor of the State of *New York*, to General *J. Gould*, of *Rochester*, Judge *Hunt*, of *Lockport*, his Honor *J. Trowbridge*, Mayor of *Buffalo*, and others.

Gentlemen,

Albany, 29 December 1837.

PERMIT me to introduce to you respectively the bearer hereof, General Arcularius, the commissary-general of this state. Understanding from various persons that some of the pieces of ordnance, and other military property belonging to the state, and situated in the western part of it, have been taken from those who had the custody of them, and carried beyond our territorial limits, I have directed the commissary-general to visit that section of the state, for the purpose of ascertaining the truth of these reports, and to take proper measures to reclaim such portion of the public property as may have been taken away, and to place it in a safe condition.

I shall be much obliged to you for any aid or information that you shall have it in your power to afford him.

I have, &c.
(signed) *W. L. Marcy*.

(No. 14.)

COPY of a REPLY from the Honourable *A. N. M'Nab* to Commissary-General *Arcularius*.

Sir,

Head Quarters, Chippewa, 2 January 1838.

I HAVE this moment had the honour to receive your communication of this day, in which you solicit a suspension of an attack on the assemblage now lodged on Navy Island until you can demand the surrender of any and all the arms, ordnance, and ordnance stores, belonging to the people of the State of New York, of which the assemblage have obtained the clandestine possession, with permission to withdraw the same if they shall be given up, and assuring me that the above application will be made immediately and without any delay on your part, or on the part of those citizens to whom the communication is addressed.

As the above application evinces a noble desire on the part of the State of New York sincerely to co-operate with the Government of Her Britannic Majesty in maintaining the laws of nations against the atrocious attack of a band of pirates, who have equally insulted the American as well as the British authorities, by plundering their property, and by openly setting their laws at defiance, I lose no time in assuring you, that having been directed cordially to co-operate with the authorities, as well as with the citizens of the United States, in maintaining the treaty which happily exists between them and the British Empire, and to do every thing in my power to avoid, if possible, the effusion of human blood, I shall have great pleasure in suspending my attack on the pirates on Navy Island, and will cheerfully consent, on the part of Her Majesty's Government, that any arms or property they may have stolen from your government or from your citizens, may be withdrawn by you from the island, for the purpose of being immediately restored to their rightful owners.

Relying upon receiving from you the earliest possible notice of the result of your laudable exertions, and trusting that the same good feeling which has determined your government to deprive these people of the arms of the United States, which you acknowledge they have clandestinely possessed themselves of, will induce you to prevent them from receiving from your shores any further assistance or supplies,

To Commissary-General Henry
Arcularius, Esq., &c. &c. &c.

I have, &c.
(signed) *Allan N. M'Nab*,
Col. com. H. M.'s Forces on the Niagara Frontier.

(No. 15.)

Sir,

Head Quarters, Chippewa, 3d January 1838.

WITH reference to your letter to me of yesterday, and my reply thereto, I have the honour to inform you that I have issued the enclosed general order to the forces under my command, which I trust will be satisfactory to the authorities of the United States.

Having acted upon your suggestion in abstaining from any attack upon Navy Island until you could make a demand of the ordnance and stores from the pirates assembled there, I beg to be informed of the result of that application.

Com. Gen. Henry Arcularius,
&c. &c.

I have, &c.
Allan N. M'Nab,
Col. Coms H. M.'s Forces on the Niagara Frontier.

(No. 16.)

(General Order.)

Head Quarters, Chippewa, Assist. Adj. General's Office,
3 January 1838.

Colonel M'Nab being desirous of doing everything in his power to preserve the treaty of peace and amity which happily exists between Her Britannic Majesty and the government of the United States of America, and having received the assurance of Commissary-general Henry Arcularius, by command of the Governor of the State of New York, that it was his intention

AFFAIRS OF LOWER CANADA, &c.

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intention immediately to demand of the rebels and pirates assembled on Navy Island, all the arms, ordnance and ordnance stores belonging to the people of the State of New York, and soliciting a suspension of an attack on Navy Island until such demand and surrender could be made, directs that the naval brigade and troops on the Niagara frontier will be exceedingly careful to abstain from committing any act of aggression against the persons or properties of American citizens.

K. Cameron, A. A. G.

UPPER
CANADA.

No. 21.

Sir F. B. Head to
Lord Glenelg,
10 January 1838.

Enclosures in
No. 21.

(No. 17.)

To Colonel *M'Nab*, Commanding Her Majesty's Forces on the Niagara Frontier.

State of New York, Niagara Falls,
3 January 1838.

Sir,

I HAVE the honour to acknowledge the receipt of your despatch, enclosing the general order to the forces under your command, and tender you my thanks for your politeness, and for the humane disposition which you have manifested toward the illegal assemblage on Navy Island.

In compliance with my orders from the Governor, I waited upon Mr. Van Rensselaer, at Schlosser, at which place he came to see me and the honourable gentlemen who accompanied me, for the purpose of persuading him to a compliance with the requisition of the Governor, to surrender to me the ordnance and arms clandestinely obtained from the possession of the people of this State. I there presented him a copy of the requisition, and allowed him to peruse the original, which he did, and in reply expressed his wish to be allowed time until two o'clock of this day to make his answer, and this forenoon requested further delay till four o'clock to furnish his answer, and to all of which arrangements I consented. But, unfortunately, it is now five o'clock, and I am not yet in receipt of the expected answer. I am, therefore, with great regret, compelled to conclude that it is not the intention of Mr. Van Rensselaer to obey the command of the Governor of this State, to surrender the ordnance and arms to me, in compliance with them.

Be assured, however, that it is not my intention to relax in the necessary efforts to obtain possession of the military property in question.

This is all I am at this moment able to state to you. Should anything further occur, and which it will be necessary to send you information of, of a more favourable character on this subject, I shall hasten to communicate it, and with the greatest cheerfulness.

I have, &c.

(signed) *Henry Arcularius*,
Commissary-General Military Stores, S. N. Y.

(No. 18.)

To Colonel *Allan N. M'Nab*, Commanding Her Majesty's Forces on the Niagara Frontier.

State of New York, Wednesday evening, 9 o'clock,
Niagara Falls, 3 January 1838.

Sir,

IN compliance with my promise, made in my letter of this evening, which I had the honour to address you, I now deem it my duty to send you the enclosed copy of a communication just received from Mr. Van Rensselaer, the commanding officer at Navy Island.

I have, &c.

(signed) *Henry Arcularius*,
Commissary-General Military Stores, S. N. Y.

(No. 19.)

To General *Arcularius*, Commissary-General, State of New York, now at Niagara Falls.

Head Quarters, Navy Island, Upper Canada,
3 January 1838.

Sir,

I HAVE laid your letter of yesterday before such members of the Provisional Government as were on the island at the time of my landing, but as a sufficient number to form a board could not be assembled in time to give your request the grave consideration it demands, it was considered just to defer a reply until to-morrow, when I will have the honour to communicate to you the decision of the board

I have, &c.

(signed) *Reuss Van Rensselaer*,
Commanding, &c.

(No. 20.)

Colonel *Allan N. M'Nab*, Commanding Her Majesty's Forces on the Niagara Frontier.

State of New York, Niagara Falls,
4 January 1838.

Sir

I HAVE the honour to enclose a copy of the proclamation issued to our citizens by the United States marshal, N. Garrow, esq., this morning, with aid to enforce the laws of our country.

I would most respectfully avail myself of this opportunity of communication, to express a humane desire to you, which is to know, whether the Canadians on Navy Island can be per-

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UPPER
CANADA.

No. 21.

Sir F. B. Head to
Lord Glenelg,
10 January 1838.Enclosures in
No. 21.

mitted to find their way to their respective homes in Canada unmolested, and to be enabled to say that the delusion under which they have acted will be pardoned.

Were I permitted to say something positive in this relation from the authorities in Canada, to the misguided minds of many of my fellow-citizens, both on the island and on this frontier, it does appear to me that I should thereby be enabled more peaceably to attain the object for which I have been sent here; namely, to recover the state military property clandestinely abstracted from various depôts.

It appears to me that the feverish scruples and agitations now existing would be softened thereby, and the object of suppressing the designs of the insidiously inclined be left without an argument for their insane practices.

With all deference and respect I submit this proposition to your most favourable and honourable construction, as it emanates from the most sincere desire on my part to attain the object of my mission in the most peaceable manner.

I have, &c.
(signed) *Henry Arcularius*,
Commissary-General Military Stores, S. N. Y.

(No. 21.)

AMERICAN CITIZENS!

Will you listen to the voice of reason, and the obligations of duty? Will you respect the laws of your country? That every true patriot, every friend of our own free and happy Republic, who desires and prays for the continuance of those inestimable blessings, which flow from our own free and liberal institutions will do so, cannot be doubted.

You are forbidden by the laws of your own country to arm yourselves for war against a nation with whom your country is at peace. And I am directed by the public authorities to arrest every man who shall violate this law. A sense of duty, and the oath which I have taken to obey this direction, impel me to its performance.

I call therefore upon you, by your own sense of duty and obligation, as you value the interests of your own country, and as you revere the laws of your own choice and adoption, that you pause before you violate those laws, and subject yourselves to the high penalties by which those laws are sanctioned.

I am on the ground with my officers at this place, for the purpose of testing the efficiency of the laws, with a fixed and determinate resolution to arrest every man who shall violate them; and I call upon all good citizens to aid me in the performance of this duty.

Fort Schlosser, January 4th, 1838.

(signed) *N. Garrow*,
U. S. Marshal, N. D. N. Y.

(No. 22.)

Sir,

Head Quarters, Chippewa, 4th January 1838.

I HAVE the honour to acknowledge the receipt of your letter of this day, enclosing a proclamation issued by N. Garrow, Esq., United States Marshal for the northern district of New York.

It is with great satisfaction that I have received this further proof of your sincere desire to prevent the continuance of the illegal proceedings pursued by a great number of the citizens of New York in arming themselves to invade this province.

My object in attacking Navy Island is, not to obtain possession of the persons either of American or of Canadian subjects, but simply to recover for Her Britannic Majesty by force of arms, a portion of the British empire, upon which an American citizen, styling himself R. Van Rensselaer, general commanding, with others, have, in violation of the laws of nations, presumed to constitute for Upper Canada a provisional government, which promises to parcel out to its adherents the most fertile lands in this province.

Those, therefore, who may think proper at once to depart from Her Majesty's island, are at full liberty to do so; and even when I attack it, any who may lay down their arms shall receive from me no personal injury, but will be made prisoners to answer for their conduct to the laws of this province.

I have, &c.
(signed) *Allan N. M' Nab*,
Commissary-general Henry Arcularius, Colonel commanding Her Majesty's Forces
&c. &c. &c. on the Niagara Frontier.

(No. 23.)

Sir,

Head Quarters, Chippewa, Jan. 7, 1838.

I HAVE the honour to enclose, for the information of his Excellency the Lieut.-governor, copies of communications which I yesterday received from Commissary-general Arcularius.

I also enclose a copy of a printed letter from Judge M'Lean of Buffalo, in order that His Excellency may be in full possession of everything that has transpired here.

After a careful perusal of the whole, I would respectfully call the attention of his Excellency to the situation in which the forces under my command are placed.

I have, &c.
(signed) *Allan N. M' Nab*,
Lieut.-Col. Strachan, Military Secretary. Colonel commanding.

AFFAIRS OF LOWER CANADA, &c.

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UPPER
CANADA.

(No. 24.)

To Colonel *Allan N. M'Nab*, commanding Her Majesty's Forces on the Niagara Frontier.State of New York, Niagara Falls,
5 January 1838.

Sir,

ENCLOSED I send you a copy of a letter received this morning from Van Rensselaer, that you may the better appreciate the embarrassing situation in which I am placed.

From the first moment after my arrival on this frontier, down to the present time, I have sedulously endeavoured to accomplish the purposes of my mission by every pacific, mild and moderate measure which my own or the ingenuity and wisdom of my advisers could suggest, and all without the slightest success.

For your kind and generous forbearance and courtesy during the pendency of our negotiations, I tender you my grateful acknowledgments.

I can ask for nothing more at your hands, and if the poor deluded beings who have encamped on Navy Island are slain, their blood be upon their own head, not mine.

I have, &c.
(signed) *Henry Arcularius*,
Commissary-general.

No. 21.
Sir F. B. Head to
Lord Glenelg,
10 January 1838.

Enclosures in
No. 21.

(No. 25.)

To *Henry Arcularius*, Esq., Commissary-general of the State of New York.Head Quarters, Navy Island,
4 January 1838.

Sir,

WHEN I accepted the command of the forces now on this island, I found them in possession of ordnance and arms, some of which I believe were considered as donations from private individuals, others as loans to be returned whenever the object which called us together might be accomplished.

Since then many additions have been made upon the same terms, as I understand it; but my vocations have been so manifold, it has not been in my power to know in all cases to whom we are obliged for the articles in question.

Since I had the honour to receive your communication of the 2d instant, however, I have consulted the Provisionary Government, and am to make the necessary inquiries to ascertain whether any of the property on the island belongs to the people of the State of New York the earliest leisure opportunity, and if such shall be the case, I am to take the necessary steps to put them in a position where they may be reclaimed, when I shall communicate with you again.

I have, &c.
(signed) *Renss. Van Rensselaer*,
Commanding, &c.

(No. 26.)

Copy of a Letter from the Hon. *John Elmsley*, Lieutenant R. N., to the Hon. Colonel *A. N. M'Nab*; dated Chippewa, 29 Dec. 1837, 8 A. M. (*Vide p. 2.*)

Copy of a Letter from *W. Lockwood*, Esq., First Lieutenant of the St. Catharine's Troop of Cavalry, to the Hon. Colonel *M'Nab*, &c.; dated Chippewa, 29 Dec. 1837. (*Vide p. 2.*)

(No. 27.)

SPECIAL MESSAGE from the Governor of New York to the Legislature of that State.

To the Legislature:

I RECEIVED last evening, after my annual message was prepared, information of an occurrence which I hasten to communicate to you.

The territory of this State has been invaded, and some of our citizens murdered, by an armed force from the Province of Upper Canada.

By the documents accompanying this communication, it will be perceived that the steam-boat *Caroline*, owned by one of our citizens, while lying at Schlosser, on the Niagara River, within the limits of this State, on the night of the 29th December last, was forcibly seized by a party of 70 or 80 armed men in boats, which came from and returned to the Canadian shore. The crew and other persons in this steam-boat, amounting to 33, were suddenly attacked at midnight, after they had retired to repose, and probably more than one-third of them wantonly massacred. The boat was detached from the wharf to which it had been secured, set on fire, taken into the middle of the river, and by the force of its current carried over the Niagara Falls. Twelve of the persons who were on board of it are missing; and there is ground to fear that they were killed by the invaders in their attack upon it, or perished in its descent over the cataract. Of those who escaped from the boat one was killed on the wharf, and several others wounded.

UPPER
CANADA.

No. 21.

Sir F. B. Head to
Lord Glenelg,
10 January 1838.Enclosures in
No. 21.

I am warranted in assuring you, that the authorities, not only of this State, but of the United States, have felt an anxious solicitude to maintain the relations of peace and strict neutrality with the British provinces of Upper and Lower Canada at all times since the commencement of the civil disturbances therein, and have in all respects done what was incumbent upon them to do to sustain these relations. The occurrence to which I alluded is an outrage that has not been provoked by any act done, or duty neglected, by the Government of this State or of the Union. If it should appear that this boat was intended to be used for the purpose of keeping up an intercourse between this State and Navy Island, which is now held by an assemblage of persons in defiance of the Canadian Government, this circumstance would furnish no justification for the hostile invasion of our territory, and the destruction of the lives of our citizens.

The general government is entrusted with the maintenance of our foreign relations, and will undoubtedly take the necessary steps to redress the wrong and sustain the honour of the country.

Though I have received no official information of the fact, I have good reason to believe that the local authorities of this State have taken prompt and efficient means, not only to protect our own soil from further invasion, but to repress any retaliative measures of aggression which our citizens, under the impulse of deeply-excited and indignant feelings, might rashly resolve to adopt. The patriotic militia in the vicinity of the scene of the outrage have obeyed, with alacrity, the call which has been made upon them for those purposes.

It will probably be necessary for this State to keep up a military force, for the protection of our citizens, and the maintenance of peace, until an opportunity is given to the general government to interpose with its power. In that event I apprehend that it will be necessary for you to provide, by law, for the payment and maintenance of forces, as the occasion may require.

I shall doubtless receive, within a short time, official information of what the local authorities have done, and shall be better enabled to form an opinion of what will be necessary, on the part of this State, to preserve our rights and the public tranquillity.

I shall then communicate further with you on the subject, and suggest such matters, in relation to it, as may require your consideration.

Albany, 2 January 1838.

W. L. Marcy.

(No. 28.)

Sir,

Government House, 13 December 1837.

YOUR Excellency has doubtless received intelligence, though not of an authentic character, of an insurrectionary movement which, within the last few days, has been made in this province, and which the loyal feeling of the great mass of Her Majesty's subjects has enabled me promptly to suppress. Though an occurrence of this particular nature in a country immediately adjoining the state under your Excellency's Government must naturally excite a considerable degree of interest, I might not have felt myself called upon to communicate with your Excellency upon the subject, if I had not received an official report from the magistracy of the district of Niagara that efforts are made, by calling public meetings in Buffalo, to procure countenance and support among the inhabitants of that city to the efforts of the disaffected in Upper Canada.

I am perfectly persuaded that, under any circumstances, the public authorities in the United States would exert themselves to strengthen rather than to disturb the kind feeling which has for so many years united the natives of Great Britain and the United States in the most amicable relations; and when I acquaint your Excellency, that the armed party of traitors, which are now dispersed, during the few days that they remained embodied, were guilty of such unprovoked and wanton acts of murder, arson, and robbery, as disgusted their adherents, and occasioned their rapid desertion, I feel no doubt, that whatever may be justly done by the Government of one friendly and enlightened nation towards restraining its subjects from disturbing the peace and injuring the unoffending inhabitants of another, may confidently be expected from your Excellency.

It is fit I should apprise your Excellency, that there is not at this moment, to my knowledge, within the whole extent of Upper Canada, a single body of men assembled with arms, or otherwise, in opposition to the Government. Before the 5th December there had been about 500 or 600 men hastily got together, at the instigation of a Mr. Mackenzie, the editor of a seditious newspaper here; but these have been wholly dispersed, and their leader, we understand, is now in Buffalo, endeavouring to excite there a support which he fails to meet with in this province.

To his Excellency Governor Marcy,
State of New York, Albany.I have, &c.
(signed) F. B. Head.

(No 29.)

His Excellency Sir Francis B. Head, Lieutenant-Governor, &c. &c.

State of New York, Executive Department,
Albany, 21 December 1837.

Sir,

I HAVE received your communication, dated 16 December, giving me information of the movements of certain persons at Buffalo, or its vicinity, having relation to the disturbances in Her Britannic Majesty's Province of Upper Canada. You are aware, I presume, that
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the federal Government is solely intrusted with the maintenance of our foreign and exterior relations, and there is very little that the State governments can do on the subject but co-operate with it in sustaining its character of neutrality. This, I, as chief magistrate of New York, shall most cheerfully do. Before your communication was received I had prepared the accompanying proclamation, which has since been issued to the sheriffs of the frontier counties, with directions to give it general publicity. I was also apprised, before I received your letter, that the general government were acting with rigour on the subject, and that the marshal of the western district of New York had been ordered to repair to Buffalo, and cause such persons as were guilty of violating the laws of the United States, enacted to preserve its relations of amity and neutrality with foreign powers, to be arrested, for the purpose of being brought to punishment.

I have, &c.

(signed) *W. L. Marcy.*

(No. 30.)

PROCLAMATION.

By *William L. Marcy*, Governor of the State of New York.

WHEREAS information has been received, that an armed body of men assembled at or near the city of Buffalo, with the avowed intention of taking part in the disturbances which prevail in the neighbouring province of Upper Canada, and that similar movements are to be apprehended in other parts of the State adjoining the province of Lower Canada: and whereas, any attempt to set on foot such military expeditions or enterprises is in direct violation of the laws of the land, and of the relations of amity subsisting between the Kingdom of Great Britain and the United States: I do hereby call upon the persons who may be assembled, or who may design to assemble as aforesaid, to desist from their unlawful proceedings, and upon the citizens of this State to co-operate with the officers and magistrates of the United States in their efforts to suppress all such violations of law, and to bring the offenders to punishment. I do also enjoin upon the good people of this State to abstain from all illegal interference with the domestic concerns of the said provinces: and they are hereby cautioned not to allow their feelings of sympathy for those, who, for political causes, have fled from other countries and taken refuge in our own, to mislead them into any infraction of the laws, or of those principles of neutrality which it is the duty of the government to maintain, in relation to the dissensions, whether external or domestic, of foreign States.

[L. S.]

Given under my hand and the great seal of the State, at Albany, this
19th day of December 1837.

By the Governor.

(signed) *W. L. Marcy.*

(signed) *John A. Dix*, Secretary of State.

(No. 31.)

COPY of a DESPATCH from His Excellency Sir *Francis B. Head*, Bart., Lieutenant-Governor of Upper Canada, to His Excellency *Henry S. Fox*, Her Majesty's Minister at Washington.

Sir,

Government House, Toronto, 23 December 1837.

It is my duty to lose no time in apprising your Excellency that the peace and security of this province are at this moment threatened, and that its territory is actually invaded by a large band of American citizens from Buffalo, who have taken up arms, and established themselves in a hostile manner on Navy Island, in the Niagara River, and within the territory of Upper Canada.

Your Excellency has no doubt learned from the public papers, that in consequence of the insurrection unhappily commenced in Lower Canada, but which, I have reason to believe, is now effectually suppressed, an attempt, as rash and hopeless as it was wicked, was lately made by 300 or 400 persons in this vicinity to involve this province also in the miseries of a civil war. In concert with this movement, an endeavour was also made to excite the people in another district to take up arms against the Government. Both these attempts were promptly and effectually suppressed by the loyal militia of this province, unaided by any military force. Most of the deluded persons who were engaged in these rash and criminal enterprises have surrendered themselves when taken prisoners; but the principal leader, William Lyon Mackenzie, and some of the most active of his followers, succeeded, with great difficulty, in making their escape to the adjoining State of New York. It was soon reported to me that at Buffalo, to which place these traitors fled, strong symptoms were shown, by numbers of American citizens, of an inclination to aid them with

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men and arms, and to supply them with other necessaries, in order to enable them to make a hostile invasion of this province.

That the public authorities in Buffalo, and the more respectable of the inhabitants, would discountenance such proceedings, I had no doubt, and their conduct since has justified that expectation; but as it was doubtful how far they might be able promptly to control this ebullition of hostile feeling towards a nation with which the United States held the strictest relations of amity and peace, I immediately addressed an official letter to his Excellency Governor Marcy, at Albany, of which a copy is herewith sent. No reply to this has yet reached me; nor do I know what steps, if any, have been taken on the part of the American Government, at Buffalo, to repress this hostile rising of their people.

Since that letter was written, Mackenzie has been joined by some hundreds of American citizens from Buffalo and the adjacent villages, and have established themselves on Navy Island, as I have before mentioned, with artillery and arms procured in the United States.

The paper printed at Buffalo, which I send you, will show the spirit in which this movement is urged forward.

I am, of course, taking all possible measures to repel invasion and insult, and I believe that in a few days a considerable military force will be at hand to sustain our gallant militia in this extraordinary and unlooked-for conflict. I need not remark to your Excellency how unfair and unjust it is, that a rebellion which, within this province, was so insignificant, that it was instantly crushed by the civil inhabitants of the colony, should be revived and rendered formidable by the direct and active management of the American people; and that during the existence, not only of peace, but of the most friendly relations between Great Britain and the government of the United States, the peaceful population of this province should be threatened with devastation and plunder, and all the miseries of civil war, by the unjustifiable interference of American citizens.

Though inhabiting a remote portion of the British dominions, the people of Upper Canada feel that they may rest assured of being ultimately protected by the whole force of the empire, if it be necessary: they are conscious also, that they deserve kinder offices at the hands of the American people; and I appeal to you, in their name, and as the representative of their Sovereign, to urge upon the government of the United States the immediate exertion of military force to suppress a movement of their people so insulting to and injurious to a neighbouring nation; and which, whatever temporary calamity it may inflict, must inevitably, unless promptly checked, lead to a violent war. Any wrongs which may be committed against the people of this colony, will, under the protection of a just Providence, be amply redressed.

I beg your Excellency will not fail to assure the American government of my sincere conviction that the facts of which I complain will certainly meet with their most unqualified reprobation.

I have, &c.

(signed) *F. B. Head.*

(No. 32.)

Sir,

Head Quarters, Chippewa, 10 January 1838.

I HAVE the honour to enclose you herewith copies of reports furnished to me by officers under my command, in relation to the manner in which the militia and citizens of the United States preserved that neutrality which you called upon them to observe between British subjects and the rebels and pirates assembled upon Navy Island.

The outrage committed by the militia of the United States, stationed upon Grand Island, upon Lieutenant Elmsley, of the Royal Navy, and the boat's crew under his command, is of such a character as calls for immediate investigation by the authorities of the United States; and I trust from the disposition you have heretofore manifested to maintain inviolate the existing treaties between Great Britain and the United States, that you will immediately investigate this serious charge, and I beg to request that you will be pleased to communicate the result of your investigation to me with the least possible delay.

You must, I am sure, feel the necessity of withdrawing from Grand Island the militia placed there, and who have been guilty of so wanton and wicked an attempt to take the lives of unoffending persons, and of placing men in their stead upon whose honour and discretion reliance can be placed.

I have, &c.

(signed) *Allan N. McNab,*
Colonel Commanding.General Arcularius,
or Officer in command of the United States Militia Force,
Niagara Frontier.

AFFAIRS OF LOWER CANADA, &c.

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Sir F. B. Head to
Lord Glenelg,
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(No. 33.)

Sir,

H. M. Schooner Queen, off Navy Island, 10 January 1838.

I HAVE the honour to report to you, that in obedience to your commands, I proceeded at two o'clock P. M. this day, in two of the boats of Her Majesty's schooner under my command, unarmed, to examine the channel between Grand Island and Navy Island.

On arriving within 200 yards of the American shore, I laid upon my oars, and allowed the current to drift the boats down, heaving the lead now and then.

Upon arriving opposite to the American flag hoisted upon Grand Island, about one mile above the south point of Navy Island, I was hailed by some officers in uniform, who had around them about 20 men; they demanded what we were about; I told them that we were examining the channel between the two islands, whereupon they desired us to come ashore. I told them that our only orders were to examine the channel, and that we could not land.

I then perceived that they were preparing to fire upon us, and without loss of time I ordered my men to give way; this instantly brought upon us a discharge of fire-arms from the men assembled on the bank; one of the balls struck the rudder-head of the boat in which I was, and they continued to fire at both boats until we were out of their reach. The batteries on Navy Island also fired on us.

I have also the honour to inform you, that from the position in which we were at the commencement of the firing, I could plainly see the houses on the American main land, between the two islands.

I have, &c.

(signed) *J. Elmsley,*
Lieut. R. N. Commanding.

Captain Drew, R. N.

(No. 34.)

District of Niagara, } THOMAS MOXEY, of the township of Stamford, in the district of
to wit. } Niagara, innkeeper, maketh oath and saith, that on Sunday the 7th
day of January instant, he, this deponent, crossed the ferry to the American shore, and
passed to the village of Manchester, in the State of New York; that while at the inn he
saw 11 waggons draw up, in which waggons were upwards of 60 persons, besides the
drivers, who, it was currently reported, had come from Lockport and Rochester as volun-
teers, to join the force on Navy Island; that he heard some of them say that they were
then on their way to Navy Island, and hurra'd for Van Rensselear and Mackenzie; that the
said party left Manchester almost immediately, and proceeded, as it was generally supposed
and believed, to join the said Van Rensselaer; this deponent further saith, that he
heard that Van Rensselaer and Mackenzie had both been at Manchester that day, and that
a schooner, laden with flour and pikes, was on the way from Buffalo to Navy Island; and
that a steam-boat was also to come down to ply between Navy Island and the American
shore, and that if the said boat was fired upon by the British forces, they (the Americans)
would immediately proceed to hostilities; this deponent further saith, that he went to Man-
chester on his own private business; that upon his arrival at the inn at Manchester, the
moment it was known that he was from Canada, very abusive language was used towards
him by certain inhabitants of Manchester, accusing him of being a spy, and an officer, or
person in military apparel, declared that he ought to be arrested and sent to the States
prison; this deponent further saith, that one Parsons, of the said village, generally known
as "Patriot Parsons," was in the house where this deponent was, and used most violent
language respecting the government of Canada, and appeared to be exciting the minds of
the people present against the inhabitants of Canada; this deponent further saith, that it
was the current report that American citizens were enlisting in the service of General Van
Rensselaer, who is an American citizen, and that from 50 to 100 men had joined daily for
some days back, also that three pieces of cannon had gone to the Island from the American
shore, during the past week; and this deponent further saith, that from what he saw and
heard from the people of Manchester, that not only they (the people of Manchester,) but
the citizens of various towns and villages of the State of New York, are openly aiding, abett-
ing and assisting the rebels on Navy Island; and further the deponent saith not.

(signed) *Thomas Moxey.*Sworn before me, at Stamford, in the district of Niagara,
this 9th January 1838.(signed) *John Powell,*
A Commissioner for taking Affidavits in the King's Bench.

UPPER
CANADA.

No. 22.

Sir F. B. Head to
Lord Glenelg,
13 January 1838.

— No. 22. —

COPY of a DESPATCH from Lieutenant-Governor Sir *F. B. Head*, Bart., to
Lord *Glenelg*.

My Lord,

Government House, Toronto, 13 January 1838.

I HAVE the honour herewith to transmit to your Lordship an address of condolence to The Queen from Her Majesty's dutiful and loyal subjects the Commons of Upper Canada in Provincial Parliament assembled, to be laid at the foot of the Throne.

I have, &c.
(signed) *F. B. Head*.

Enclosure in No. 22.

To The QUEEN'S most Excellent MAJESTY.

Most Gracious Sovereign,

Encl. in No. 22.

WE your Majesty's dutiful and loyal subjects the Commons of Upper Canada in provincial parliament assembled, most humbly address your Majesty, condoling with your Majesty on the loss which the empire has sustained by the demise of his late Majesty King William the Fourth, of blessed memory, assuring your Majesty that this house, representing as it does the free voice of the people of Upper Canada, mourns over the heavy affliction with which it has pleased an all-wise Providence to visit the glorious empire, of which the people of this province are proud to form a part, by the removal from this transitory life of a sovereign, the recollection of whose private and public benevolence and magnanimity will remain for ages yet to come embalmed in the recollection of your Majesty's Canadian subjects.

That while this house condoles with your Majesty, and sympathizes with all classes of your Majesty's faithful people on the melancholy bereavement with which the empire has been afflicted, it is nevertheless consoled in its sorrows by having the British sceptre descend to a young and amiable sovereign, whose virtues and education afford the fullest assurance to her people that her reign will be characterized by a firm adherence to those principles of religious and civil liberty which called her illustrious family to the throne, and which for ages has distinguished the sovereigns of Great Britain.

And we do further assure your Majesty, that with no class of your Majesty's subjects has your Majesty's accession to the throne of your ancestors been hailed with more joy and satisfaction than by the people of Upper Canada; and that your Majesty may rest assured that this house, as their peculiar and constitutional representative and organ, will not fail to impress upon them a steady adherence to those religious and loyal principles, which, in every hour of adversity or emergency, has never failed to distinguish your Majesty's faithful Canadian subjects.

Commons House of Assembly,

day of January 1838.

— No. 23. —

COPY of a DESPATCH from Lieutenant-Governor Sir *F. B. Head*, Bart., to
Lord *Glenelg*.

My Lord,

Niagara, 16 January 1838.

No. 23.
Sir F. B. Head to
Lord Glenelg,
16 January 1838.

I HAVE great pleasure in communicating to your Lordship that the pirates have been driven from Navy Island, which is now in possession of Her Majesty's forces on this frontier.

I have also the satisfaction to state, that the gallant militia of Upper Canada have also driven the pirates who had taken possession of Bois Blanc Island from that position, and in a most gallant manner have captured a schooner off Malden, which is on the St. Clair River, about 16 miles below Amherstburg.

As this vessel contained three pieces of artillery, 200 stand of arms, and most of the principal officers of the pirate force, her loss will discourage them; and finding that at both ends of the province they have been discomfited by its brave inhabitants, I trust they will find it necessary to abandon the infamous attempt which has been made by citizens of the United States to plunder the property and overturn the institutions of a province with which they were politically existing in friendly alliance.

I have, &c.
(signed) *F. B. Head*.

— No. 24. —

UPPER
CANADA.

(No. 8.)

COPY of a DESPATCH from Lieut.-Governor Sir *F. B. Head* to Lord *Glenelg*.

My Lord,

Toronto, 22 January 1838.

I HAVE the honour to transmit to your Lordship a Gazette Extraordinary, containing copies of communications between the two branches of this legislature and myself, relating to my resignation of the office I have the honour to hold.

No. 24.
Sir F. B. Head to
Lord Glenelg,
22 January 1838.

I have, &c.

(signed) *F. B. Head*.

Enclosure in No. 24.

UPPER CANADA GAZETTE EXTRAORDINARY.

F. B. Head.

Toronto, Monday, 22 January 1838.

THE Lieutenant-governor informs the Legislative Council, that in consequence of this province being invaded and assailed by a foreign enemy, and being the scene of actual military operations, Colonel Foster, the officer in command of Her Majesty's land forces, has assumed the entire military authority and command over the troops; that he is also in command of the militia; and that the Commissary-general at Quebec has communicated to the officer in charge of the commissariat here, that consistently with the rules of the service, no expenses can be allowed, unless sanctioned by the authority of the military commander, upon whom the protection of the province has thus necessarily devolved.

The Lieutenant-governor takes this opportunity to communicate to the Legislative Council, that having had the misfortune to differ from Her Majesty's Government on one or two points of colonial policy, he felt it his duty, on the 10th of September last, respectfully to tender to Her Majesty's Principal Secretary of State for the Colonies, the resignation of the important station which for a short time he has had the honour to hold in this province.

His resignation having been graciously accepted, the Lieutenant-governor has to inform the Legislative Council, that he yesterday received official information that Her Majesty has been pleased to appoint Colonel Sir George Arthur to be Lieutenant-governor of Upper Canada, and that his Excellency may be expected to arrive here in a few days.

Under the peculiar circumstances in which the province is at present placed, the Lieutenant-governor feels confident, that the Legislative Council will rejoice with him at the approaching arrival of an officer of high character and considerable experience, whose rank in the army will enable him to combine the military command with the civil government of this province.

Government House, 15 January 1838.

Enclosure in
Sir F. B. Head's
Despatch,
22 January 1838.

To His Excellency Sir *Francis Bond Head*, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant-Governor of the Province of Upper Canada, &c. &c.

May it please your Excellency,

WE, Her Majesty's dutiful and loyal subjects, the Legislative Council of Upper Canada, in provincial Parliament assembled, beg to return our respectful thanks to your Excellency for communicating to us the fact, which is at this crisis particularly important, that by the regulations of Her Majesty's service the command of the troops, and of the militia employed in defence of this province, cannot be united in your Excellency's person with the administration of the civil government.

If your Excellency were to continue to represent Her Majesty in this colony, we are persuaded that, under present circumstances, such a separation of the civil power from the military command would be likely to lead to very unfortunate results, since military rank and experience, although they are by no means incompatible with the peculiar qualifications which are requisite to give confidence, animation and effect to the military force, are not always to be found united with them.

We beg to assure your Excellency that we learn with extreme regret that the civil government of this province is to continue for so short a time in your Excellency's charge. It is not known to us upon what particular points your Excellency's views have differed so essentially from those of Her Majesty's Government that your Excellency was induced to tender your resignation; but we know, that at no period in the history of Upper Canada has its political condition been such as ought to be more satisfactory to the Ministers of the Crown; and we feel that not Upper Canada only, but the Empire, owes to your Excellency a large debt of gratitude for your firm and manly avowal, upon all occasions, of those sentiments which became the representative of a British Monarch, and for the unwavering support which your Excellency has never failed to give to the established principles of the constitution.

It is this fearless adherence to right principles, rather than to expediency, which has enabled

UPPER
CANADA.

No. 24.

Enclosure in
Sir F. B. Head's
Despatch,
22 January 1838.

enabled your Excellency to rally round the Government, in a moment of danger, the arms of an united people, and to exhibit this province to our Sovereign, and to the world, in a posture which must command for its brave and loyal inhabitants the highest admiration and respect.

If the result of your Excellency's firm and uncompromising policy shall impress upon Her Majesty's Government the conviction that they need not fear to support in Upper Canada the principles of the British constitution, it will have produced an effect of infinite value to this colony, and will have supplied what we believe has been chiefly wanting to insure its permanent tranquillity.

But the Legislative Council cannot refrain from expressing the regret with which they have observed, in the case of your Excellency, and of your respected and gallant predecessor, that your connexion with the government of this colony has seemed incapable of being protracted, with satisfaction to yourselves, beyond the period when it became evident that no submission would be made by you to a spirit of factious discontent, which nothing can appease but the destruction of British rule.

We beg your Excellency to believe, that the Legislative Council will ever entertain a grateful recollection of the justice and condescension which they have always had occasion to acknowledge in their intercourse with your Excellency; and that they participate deeply in the feeling of general regret at your Excellency's approaching departure from this province.

Legislative Council Chamber,
17 January 1838.

John B. Robinson, Speaker.

F. B. Head.

THE Lieutenant-governor informs the House of Assembly, that in consequence of this province being invaded and assailed by a foreign enemy, and being the scene of actual military operations, Colonel Foster, the officer in command of Her Majesty's land forces, has assumed the entire military authority and command over the troops; that he is also in command of the militia; and that the Commissary-general at Quebec has communicated to the officer in charge of the commissariat here, that consistently with the rules of the service, no expenses can be allowed, unless sanctioned by the authority of the military commander, upon whom the protection of the province has thus necessarily devolved.

The Lieutenant-governor takes this opportunity to communicate to the House of Assembly, that having had the misfortune to differ from Her Majesty's Government on one or two points of colonial policy, he felt it his duty, on the 10th of September last, respectfully to tender to Her Majesty's Principal Secretary of State for the Colonies, the resignation of the important station which for a short time he has had the honour to hold in this province.

His resignation having been graciously accepted, the Lieutenant-governor has to inform the House of Assembly, that he yesterday received official information that Her Majesty has been pleased to appoint Colonel Sir George Arthur to be Lieutenant-governor of Upper Canada, and that his Excellency may be expected to arrive here in a few days.

Under the peculiar circumstances in which the province is at present placed, the Lieutenant-governor feels confident, that the House of Assembly will rejoice with him at the approaching arrival of an officer of high character and considerable experience, whose rank in the army will enable him to combine the military command with the civil government of this province.

Government House, 15 January 1838.

To His Excellency *Sir Francis Bond Head*, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant-Governor of the Province of Upper Canada, &c. &c.

May it please your Excellency,

WE, Her Majesty's dutiful and loyal subjects, the Commons House of Assembly, in provincial Parliament assembled, humbly thank your Excellency for your Excellency's message of the 15th instant, communicating to this House, that "in consequence of this province being invaded and assailed by a foreign enemy, and being the scene of actual military operations, Colonel Foster, the officer in command of Her Majesty's land forces, has assumed the entire military authority and command over the troops; that he is also in command of the militia; and that the Commissary-general at Quebec has communicated to the officer in charge of the commissariat here, that consistently with the rules of the service, no expenses can be allowed, unless sanctioned by the authority of the military commander, upon whom the protection of the province has thus necessarily devolved."

In reference to this subject, we can only express our earnest hope that this regulation, which the rules of the service appear to have rendered necessary, may in no respect impair the efficiency of the operations hitherto planned and directed by your Excellency, with so much success for the preservation and defence of the province against the attack of foreign and domestic enemies.

We are further informed by your Excellency, that having had the misfortune to differ from Her Majesty's Government on one or two points of colonial policy, your Excellency felt it your duty, on the 10th of September last, respectfully to tender to Her Majesty's Principal Secretary of State for the Colonies, the resignation of the important station which
for

for a short time your Excellency has had the honour to hold in this province, and that your Excellency's resignation had been graciously accepted. When this House recalls to recollection the events of your Excellency's administration of the affairs of this province—the universal respect and confidence with which you are regarded, arising from your Excellency's firm and uncompromising adherence to the principles of the constitution, and which has afforded to the inhabitants of this colony various opportunities of proving, not by words merely, but by acts the most convincing and undeniable, their firm unshaken loyalty to their Sovereign, and their desire to maintain their connexion with the parent state, in contradiction to assertions and insinuations of a contrary tendency, we cannot but view with alarm the disclosure now made, that your Excellency has felt yourself called upon to resign the administration of the Government on the grounds stated in your Excellency's Message.

If your Excellency's measures and policy have not given satisfaction to our gracious Queen, we are driven to inquire, in the most humble and respectful but solemn manner, what course of policy it is that is expected by Her Majesty from Her Majesty's representative in this province? Deeply impressed with the duty of submission to the constitutional exercise of the Royal prerogative, we do not question the right of the Sovereign to select Her representatives in this or any other colony of the Empire, but we nevertheless feel ourselves impelled by a sense of duty, suggested by a desire to maintain our allegiance, (and which, on our part, can never be laid aside or forgotten,) humbly, but earnestly and emphatically, to declare, that if anything be calculated to shake the attachment of Her Majesty's now truly loyal and devoted subjects to Her Royal Person and Government, it is by acts of injustice, or the manifestation of ungenerous distrust towards servants, who have served the British nation so faithfully and nobly as your Excellency has done. It will be the duty of this House, before the close of the present session, and when more fully informed of facts, to express more at large the feelings and opinions they entertain on this painfully interesting and important subject.

In the meantime, we beg to assure your Excellency that this House, and the people of the province, will regard your Excellency's relinquishment of its government as a calamity of the most serious nature, and which may result in difficulties and dissensions that cannot be easily repaired or reconciled. We however are fully persuaded, that the blame cannot rest with your Excellency; and while we sincerely and most willingly acknowledge the zeal, ability, justice, and honourable disinterestedness with which you have conducted the government of this province during your short but eventful and arduous administration of its affairs, we beg respectfully and affectionately to express, on behalf of this province, our earnest hope that your Excellency's prosperity in future life may be commensurate with the claims, deep and lasting as they are, upon our gratitude, the approbation of our gracious Queen, and the applause and acknowledgment of the British nation.

H. Ruttan, Speaker.

Commons House of Assembly,
16 January 1838.

To His Excellency Sir *Francis Bond Head*, Bart., Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant-Governor of the Province of Upper Canada, &c. &c.

May it please your Excellency,

WE, Her Majesty's dutiful and loyal subjects, the Legislative Council of Upper Canada, in provincial Parliament assembled, humbly pray that your Excellency will be pleased to transmit to this House copies of so much of your Excellency's correspondence with the Right Honourable the Secretary of State for the Colonies as relates to your Excellency's resignation of the government of this province, embracing the matter of policy upon which your Excellency had the misfortune to differ from Her Majesty's Government, so far as the same may, in your Excellency's opinion, be with propriety communicated.

John B. Robinson, Speaker.

Legislative Council Chamber,
19 January 1838.

HIS EXCELLENCY'S REPLY.

Honourable Gentlemen,

It would afford me the greatest satisfaction to transmit to the Legislative Council, according to its request, so much of my correspondence with the Right Honourable the Secretary of State for the Colonies, as relates to my resignation of the government of this province; but after deliberate consideration I have come to the conclusion, that the publication of these documents might, under existing circumstances, embarrass my successor, and might be considered as a violation of official confidence.

So long as I remain in the service of Her Majesty's Government, I do not consider myself justified in defending my own conduct, by any vindication that may embarrass their policy.

Government House, 22 January 1838.

UPPER
CANADA.

No. 24.

Enclosure in
Sir F. B. Head's
Despatch,
22 January 1838.

To His Excellency Sir *Francis Bond Head*, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant-Governor of the Province of Upper Canada, &c. &c.

May it please your Excellency,

WE, Her Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in provincial Parliament assembled, humbly request that your Excellency will be pleased to lay before this House the correspondence between Her Majesty's Government and your Excellency, which induced your Excellency to tender your resignation of the government of this province; and also any subsequent correspondence between Her Majesty's Government and your Excellency, on the same subject.

H. Ruttan, Speaker.

Commons House of Assembly,
18 January 1838.

HIS EXCELLENCY'S REPLY.

Gentlemen,

NOTHING, at this moment, would be so gratifying to my feelings, as to lay before the House of Assembly the correspondence between Her Majesty's Government and myself, which induced me to tender my resignation of the government of this province; but after deliberate consideration I have come to the conclusion, that the publication of these documents might, under existing circumstances, embarrass my successor, and might be considered as a violation of official confidence.

So long as I remain in the service of Her Majesty's Government, I do not consider myself justified in defending my own conduct, by any vindication that may embarrass their policy.

Government House, 22 January 1838.

— No. 25. —

(No. 13.)

No. 25.

Sir F. B. Head to
Lord Glenelg,
7 February 1838.
Toronto,
30 January 1838.

COPY of a DESPATCH from Lieut.-Governor Sir *F. B. Head* to Lord *Glenelg*.

My Lord,

Toronto, 7 February 1838.

I HAVE the honour to transmit to your Lordship a printed copy of a second Despatch, which I have deemed it necessary to address to his Excellency Henry S. Fox, Esq., at Washington, on the subject of the destruction of the *Caroline* steam-boat.

I have, &c.

(signed) *F. B. Head*.

Enclosures in No. 25.

(No. 1.)

Enclosures in
Sir F. B. Head's
Despatch,
7 February 1838.

COPY of a DESPATCH from His Excellency Sir *Francis B. Head*, Bart., Lieutenant-Governor of Upper Canada, to His Excellency *Henry S. Fox*, Esq., Her Majesty's Minister at Washington.

Sir,

Government-house, Toronto, 30 January 1838.

WHEN I had the honour of addressing your Excellency on the subject of the destruction of the *Caroline*, I contented myself with sending you a statement of the facts as they were reported to me officially, corroborated by several affidavits. I did not think it necessary to trouble you, either with arguments of my own upon the unreasonableness of the complaint which was made on account of that transaction, or with any contradiction or notice of the extraordinary misstatements which were going the rounds of some of the American newspapers.

Upon this latter point, I was the less careful to put you on your guard, because from numerous remarks made in respectable American papers, I perceived it to be very notorious there, as well as here, that no credit could be attached to the accounts given of Canadian affairs, in the papers printed along the frontier of the United States. I believe I should scarcely err, if I were to say, that in most of them nothing has been stated truly from the beginning; and that in many of them not the slightest regard appears to have been paid to truth.

Since I wrote to you, I have learned nothing that would authorize my receding in any point from the statement then given; and it was with no less astonishment than disappointment that I found either the government of the state of New York, or the federal government, adopting as true the most false and exaggerated statement of the destruction of the *Caroline*, and not hesitating to speak of that just and rightful act of self-defence, as an assassination of American citizens. I must confess, that I cannot but look upon the applica-

tion

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7 February 1838.

tion of such a term to such an act, as scarcely a less outrage than any of those gross infractions of their rights which have compelled the people of Upper Canada to arm in their defence.

Though it has been variously stated, that from 12 to 22 peaceable citizens of Buffalo were murdered in the *Caroline*, I have not yet found that the name of a single person has been ascertained, or even mentioned, as having perished on that occasion, except one Durfee, who, I am informed, was killed in arms, and who, moreover, was really a British subject, usually resident in Canada until within the last few months. I only recur to these circumstances, because I am desirous of vindicating the gallant men who performed this plain and necessary act of duty to their country, from the charge of wanton cruelty. If the resistance they met with had led to a further loss of life, their conduct would not have been the less justifiable. It is almost too obvious an observation to make, that if an army of American citizens had taken up a position on their side of the Niagara River, at a point where no island intervened, and had begun battering the houses and people upon our shore, and if this shameful aggression, with guns taken from the United State's arsenals, had continued for weeks, without any effectual interposition on the part of the American government, Her Majesty's subjects would have had an unquestionable right to attack the batteries, and disperse the lawless band which carried on this disgraceful warfare; and of course a right to attack any boat or vessel employed in their service, and carrying them guns or men. To call so necessary an act of self-defence a violation of neutrality would of course be absurd; whatever insult or injury it would occasion to American territory must be ascribed to that portion of their own citizens who were in arms against their authority, and committing outrages on their unoffending neighbours. This being so, it can surely make no difference favourable to the United States, that the army of American citizens did, in this instance, first commit the gross wrong of taking forcible possession of British ground, that they might fire more effectively from thence; it was merely taking two steps in committing the injury instead of one.

Your Excellency, I dare say, has not failed to observe that at a criminal court in the state of New York, an indictment has been found for murder against Captain Drew and others who are supposed (but some of them erroneously) to have been present at the capture of the *Caroline*. I cannot but believe that the American government will feel it to be due, no less to their own character than to their relations with Great Britain, to interest themselves in arresting any such proceeding. The act was done by public authority, in the prosecution of a warfare to which this province was driven by the outrageous aggressions of American citizens. The British nation is to answer for it, and not individuals zealously acting in her service.

Your Excellency will have learnt from various channels the occurrences which have taken place on our western frontier, opposite to the state of Michigan. There a large force, stated in the newspapers of Detroit not to be less than 1,000 or 1,200 in number, with arms and artillery, taken from one or more public arsenals, attempted to invade this province; and did, indeed, actually possess themselves of the island of Bois Blanc, in the river Detroit. With an armed schooner they commenced battering the town of Amherstburgh, and intended on the next day to have made a descent on the main land, but their further progress was arrested by the gallant conduct of some militia volunteers, who attacked and boarded the schooner, and took several prisoners, together with the guns, arms and military stores on board of her. A considerable military force is now stationed on our western frontier.

I send you the proclamations issued by Mr. Sutherland, an American citizen, who styled himself General of the 2d division of the Patriot Army, Van Rensselaer's band of ruffians, I suppose, forming the first. These will show you the nature and object of the expeditions to whose attacks the people of Upper Canada have been exposed.

Among the prisoners taken on this last occasion were several American citizens.

I need scarcely state to you, that the necessity of being armed at all points along our extensive frontier, has occasioned an enormous expenditure to the British Government. The American, I perceive, has called on Congress to provide \$600,000 for the pay and outfit of a force necessary to keep down the excitement on the Niagara frontier alone. You will readily understand, therefore, how much greater must be the expense which this government is put to by the preparations necessary to meet attacks at various points. The hostile spirit manifested in Michigan appeared likely to be attended with more serious consequences than the movements along the Niagara frontier.

I send your Excellency a copy of some correspondence which has taken place since Major General Scott's arrival at Buffalo. Fortunately the pirates have dispersed without anything farther occurring that can give rise to controversy, and I have no doubt their removal was hastened by the active measures at length taken by the American government for preventing their receiving supplies of arms and provisions. It would give me pleasure if I could add, that in the conduct of the American militia stationed on Grand Island, or in the construction which the officers of the American government seemed disposed to put upon the relative rights of the two countries, under the extraordinary circumstances in which they were placed, I have discovered satisfactory proof of a spirit calculated to contribute to the restoration of permanent tranquillity.

When a people has been insulted and aggrieved, as the people of Upper Canada have been, it is not to be supposed that they can feel it necessary to perplex themselves with researches into books upon the law of nations; they will follow a more unerring guide in obeying the irresistible natural instinct of self-preservation. By the cannonading from Navy Island three inhabitants of this province have been killed there is no extenuating circumstance which can make the offence less than murder; and if it can be claimed as a right on this, or upon other occasions, that the perpetrators shall be allowed to escape with impunity into

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Enclosures in
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Despatch,
7 February 1838.

the country from whence they came in an armed body, to commit these flagitious outrages; if it be maintained that to cross the line of division through the waters of the Niagara to destroy them, or to cut off their resources, is a violation of American neutrality, then it can only follow, that when the American people are suffered to commit such gross outrages upon the province of Upper Canada, they must bring upon themselves the consequences of a public war, for unquestionably the right of self-defence will be exercised; it is not in the nature of things that it should be forborne.

I am upon the point of being succeeded in the government of Upper Canada by Colonel Sir George Arthur; and I cannot depart from the province without offering to your Excellency, on the part of its inhabitants, my most grateful thanks for your prompt and able interposition to protect them from foreign aggression. I have been extremely gratified by the earnest solicitude shown by your Excellency to discharge your delicate and important duties satisfactorily and with effect. I can assure your Excellency, that the people of Upper Canada feel deeply how much they are indebted to you, as the minister of their Sovereign, for your conduct on this anxious and important occasion.

His Excellency Henry S. Fox, &c. &c. &c.,
Washington.

I have, &c.,
(signed) F. B. Head.

(No. 2.)

PROCLAMATION.

To the Patriot Army of Upper Canada.

Companions in Arms!

True courage is always accompanied with high honour, and with mercy to a subdued enemy.

We fight not for plunder or power to oppress, but for liberty and sacred rights, and the common cause of all mankind.

Our friends have been plundered and driven from their wives and daughters, dragged from their beds and exposed to the most outrageous insults, and almost every part of our territory is groaning under the most insupportable tyranny.

To redress these wrongs we are assembled in arms. Let us behave like men who love justice, and scorn and defy oppression.

Soldiers of Liberty! In order to ensure success and a glorious victory, it will be necessary to enforce the most rigid military discipline.

No one, having joined the army, will be allowed, without permission of the commanding officers, to leave the ranks. Every desertion will be punished with death.

All orders must be strictly obeyed. No one must act, under any circumstances, but in obedience to the orders of the officer having command.

Every person not in arms must be protected in his person from all harm.

All private property must be respected. Not a single infringement of private rights or possession will escape the most severe punishment.

No one, not in arms or regularly enrolled, will be permitted to follow the camp. Every idler will be taken up and punished.

Companions and Soldiers! We march to restore, not to destroy good order; to preserve, not to violate wholesome laws; to establish equal rights and justice, yielding to others as rigidly as we demand our own.

(signed) Thos. J. Sutherland, Brigadier General,
Commanding 2d Div. Patriot Army, U. C.

Head Quarters 2d Division, Bois Blanc, U. C.,
9 January 1838.

(No. 3.)

PROCLAMATION.

To the Patriotic Citizens of Upper Canada.

You are called upon by the voice of your bleeding country to join the patriot forces, and free your land from tyranny. Hordes of worthless parasites of the British Crown are quartered upon you to devour your substance, to outrage your rights, to let loose upon your defenceless wives and daughters a brutal soldiery.

Rally then around the standard of liberty, and victory and a glorious future of independence and prosperity will be yours.

(signed) Thos. J. Sutherland, Brigadier-General,
Commanding 2d Div. Patriot Army, U. C.

Head Quarters, 2d Division, Bois Blanc, U. C.,
9 January 1838.

AFFAIRS OF LOWER CANADA, &c.

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(No. 4.)

PROCLAMATION.

To the deluded Supporters of British Tyranny in Upper Canada.

You are required to lay down your arms, and return quietly to your homes. The patriot army of Upper Canada desire not bloodshed. We fight only for liberty, and personal and public safety.

Your persons and property shall be protected, all your private rights preserved to you, your homes secured, your possessions untouched, on condition that you yield up your accustomed occupations.

You are now enjoying a moiety of liberty vouchsafed to you from motives of caprice or interest on the part of your rulers. We will secure to you all the blessings of freedom by a permanent and honourable tenure.

Avoid then the horrors of war. Enrage not soldiers already exasperated by oppression. Save yourselves from confiscation. Cease resistance and all will be well with you.

(signed) *Thos. J. Sutherland*, Brigadier-General,
Commanding 2d Div., Patriot Army, U. C.

Head Quarters, 2d Division, Bois Blanc, U. C.,
10 January 1838.

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No. 25.

Enclosures in
Sir F. B. Head's
Despatch,
7 February 1838.

(No. 5.)

To His Excellency Stevens T. Mason, Governor of the State of Michigan.

Dear Sir,

Sandwich, U. C., 6 January 1838.

As the organ of the magistrates here, and by their desire, I lose not a moment to inform you, that from clear and unquestionable authority, who were eye-witnesses to the fact last night, we learn that a schooner laden with arms, ammunition, provisions, and from 80 to 100 men, left Detroit this morning on her way down the river, with the intention of either attacking this frontier, or taking possession of the islands belonging to our Sovereign, called Bois Blanc and Fighting Island, or one of them. The schooner, I am informed, is called the Anne; she is at this moment slowly proceeding down the river, and close upon your side, below Spring-well, and is towed by a boat with several men in it; she has also two cannon on board. I am also credibly informed, that a large body of men are met at Fort Gratiot, for the express purpose of joining the rebels and fugitives from this country; and that the steam-boat Macomb has proceeded from Detroit to afford them succour; and we are also correctly informed, that our enemies possessed themselves last night, from the gaol in Detroit, of a large quantity of arms, and also a wagon-load of gunpowder from the powder house in your city. We are further correctly informed, that they are raising volunteers, arms and ammunition, at Monroe, to support the rebels and their adherents.

We rely on the sincerity of your declaration, that you, as chief magistrate of the opposite state, will do all in your power to preserve the peace, to prevent your people from committing a breach of their laws, and to maintain the amity which at present subsists between Great Britain and the United States. We beg leave to repeat our former assertion, that we are prepared for any attack; but we again earnestly call upon you to take such immediate and energetic steps as will prevent bloodshed, and secure the peace of your countrymen and ours from being broken and destroyed. We at the same time beg to assure you, that no exertions on our part shall be wanting to attain that very desirable object; but unless prompt and immediate steps are taken, we will not conceal from you our firm conviction, that hostilities will have commenced, and blood be shed within the next few hours.

I have, &c.
(signed) *John Prince.*

(No. 6.)

Dear Sir,

Detroit, 6 January 1838.

Your favour of this morning has been received. I most sincerely regret that matters are assuming so serious an aspect on our borders. We have dispatched a marshal* to seize the schooner now proceeding down the river. The Macomb was stopped, her captain arrested, and her lading examined, but nothing could be found to justify detaining her in port. A deputy-marshal has been dispatched to Monroe, and one to Fort Gratiot, with authority to call out the power of the respective counties to arrest all persons found in arms. A meeting of our citizens will be held at three o'clock this afternoon, to enrol a volunteer force to aid in enforcing the laws in this city. I need not again express my determination to do all in my power to prevent the violation of the amity now existing between our governments.

John Prince, Esq., Sandwich.

I am, &c.
(signed) *S. T. Mason.*

* N.B.—The marshal did go down with about 25 unarmed men; when he got within hail of the schooner, they cautioned him and his party not to come within 30 rods of her, stating that she knew nobody, and would not recognise any law or people; and that if he and his boat advanced nearer they would fire on him. He then returned to Detroit the same evening.

(signed) *J. Prince.*

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CANADA.

No. 25.

Enclosures in
Sir F. B. Head's
Despatch,
7 February 1838.

(No. 7.)

Bois Blanc Island, Malden, 8 January 1838.

Six o'clock, A. M.

Dear Sir,

On the return of the steam-boat *United*, from her unsuccessful attempt last Saturday, to bring back to Detroit the schooner *Anne*, pursuant to your Excellency's instructions, three companies of our militia, besides several volunteers (of whom I form one), proceeded to Amherstburgh, with a view of defending that town, and in hopes of meeting the rebels and their adherents and supporters at this place.

But I regret to say that we have, for the present, been disappointed; I, however, deem it proper to inform your Excellency, as Governor of the state of Michigan, that the above-mentioned schooner was at anchor last evening opposite the lower end of Grope Isle, at a wharf near Gibraltar, and that she had on board 700 stand of arms, being no doubt the same arms of which she possessed herself from the gaol at Detroit. There are, moreover, many hundred of our enemies there, and they have some heavy cannon, which they fired about ten times last evening, and twice during the night. All these facts are within our knowledge. From the conversation which my friend Mr. Charles Baby had with your Excellency on Saturday last, I was greatly in hopes that the schooner and her cargo, as well as many of her crew, would ere this have been taken under your authority, and dealt with according to law. I now, with the concurrence of my brother magistrates, beg to inquire whether your Excellency will permit our forces on this side to attack the schooner*, with a view of taking her and those who may attempt to defend her. If you consent to this our request, we will at once proceed to the attack; and we solicit this favour at your hands, because we are unwilling to commit any act which may be construed into aggression, or a breach, by us, of that amicable understanding which subsists between our government and yours, notwithstanding our conviction that the men and schooner, and arms in question, are intended to act hostilely towards us. Mr. Mercer, one of our magistrates, has undertaken to deliver this to your Excellency, and a reply to him will be thankfully received.

Governor Mason, &c.

(signed) John Prince.

(No. 8.)

Adjutant-general's Office, Detroit, 8 January 1838.

To the Civil Authority of *Sandwich, Upper Canada*.

I have the honour to inform you, by direction of his Excellency the Commander-in-chief, that by twelve o'clock at noon this day, the steam-boats *Erie* and *General Brady* will leave this city with a sufficient armed force to proceed to the mouth of this river, to enforce the laws of the United States against armed men who attempt a violation of the same. This communication is given with the view of informing you of the fact that his Excellency the Governor is with the detachment, and will do all in his power to allay this unfortunate excitement, and that you may understand this movement†.

Very respectfully, &c.

(signed) J. E. Schwarz,
Adjutant-general, Michigan.

(No. 9.)

Amherstburgh, Upper Canada, 9 January 1838.

Four o'clock, A. M.

To His Excellency *Stevens T. Mason*, Governor of the State of Michigan.

Dear Sir.

I presume that you have received my letter of yesterday's date. The enemy commenced her attack upon us about sun-set last evening, by firing two cannon-shots. Her force, we are informed, consists of the schooner or sloop believed to be the *Anne*, referred to in my former letter; also two scows and divers boats, a large schooner, three field-pieces, two twelve-pounders, and one six-pounder, besides a large quantity of arms, and some hundreds of men. One schooner, the *Anne*, sailed up in front of Amherstburgh, along the British channel, between the town and Bois Blanc: this evening our people fired upon her (knowing her to be the enemy), and she returned the salutation by two cannon shots. The steam-boat *United*, which was very innocently bringing down some passengers from *Sandwich* to Amherstburgh, was also complimented with two musket-shots from (as it is supposed) one or two American steamers proceeding up the river. The schooner, supposed to be the *Anne*, then steered from Amherstburgh round the northern end of Bois Blanc. The large schooner is at anchor at the south end of Bois Blanc, and there are lights on Hickory Island, which induce a belief by us, that she has moved near her the scows and small boats above referred to. We assume that the enemy will possess himself (if he has not already done so) of Bois Blanc forthwith. He is lying at anchor opposite to us. We have no hesitation in pronouncing him to be regard-
less

* She was at this time anchored on the American shore, and it was with the utmost difficulty that I was able, by my advice, to restrain our men (officers and all) from going from Amherstburgh in a large schooner, to attack and capture the *Anne*, so lying on the opposite side. (signed) J. Prince.

† This movement was not attended with any good result. (signed) J. Prince.

less of all laws, and a plunderer and pirate. My object is to secure him, to make him amenable to the laws of this country; and in the name of the civil authorities of Upper Canada, as well as in the name of common justice, I now call upon your Excellency, as the Governor of Michigan, to assist us, the subjects of your natural ally, in preventing this enemy from touching upon, or holding any intercourse with the shores of Michigan, whereby we * hope to be enabled to capture her, and to bring her to that bar of justice which will deal with her according to her merits.

I have, &c.
(signed) *John Prince.*

UPPER
CANADA

No. 25.
Enclosures in
Sir F. B. Head's
Despatch,
7 February 1838.

(No. 10.)

Dear Sir,

Detroit, 9 January 1838.

Your letter of this date has been received, and laid before the district attorney of the United States. For your further information, I enclose you the copy of a letter which I have addressed to the magistrates of Sandwich, in reply to their communication of the same date.

To John Prince, Esq., Sandwich,
Upper Canada.

I have, &c.
(signed) *Stevens T. Mason.*

(No. 11.)

(Official.)

Gentlemen,

Executive Department, Detroit,
9 January 1838.

The controversy now pending in the province of Upper Canada, and immediately on the frontier of this state, is beginning to assume so serious a character, that I deem it my duty officially to communicate to you my positive relatives and duties in the premises. Heretofore I have as an individual, rather than in my official capacity, expressed to you and others my desire to preserve the friendly relations existing between the government of the United States and that of Great Britain; but in the ground now taken, I maintain the position of Governor of a sovereign and independent state of the American confederacy. I will abide by it, and give you my assurance that I will not abandon that position. You are perhaps well aware that the general government of the United States is composed of separate and independent states, with certain delegated powers to the Federal head: amongst these delegated powers are all the relatives of peace and war, and intercourse with foreign nations. In furtherance of the powers which have been surrendered by the states, the general government have enacted certain laws for the preservation of neutrality, and the guarantees of the faith of treaties between itself and other governments. The executive of these laws does not belong immediately to the state authorities, but is vested in a district judge, district attorney, and marshal of the United States; when these officers call on me as the Executive of the state of Michigan, conveying the information that the process of the United States' courts cannot be enforced without executive aid, my official duties begin, and not till then; but on every occasion when the contingency stated arises, you will find the constituted authorities of Michigan prompt and ready to discharge every duty incumbent upon them by the laws of their country.

In obedience to the requisition made on the Executive of this state, I have ordered the marshal of the United States for this district to enforce the process of this court, and have dispersed† the armed force stated by you to have been assembled within the jurisdiction of this state, in violation of the Acts of Congress of the United States. It will therefore readily occur to you, that all further communication on this unpleasant subject must be addressed to the district attorney of the United States. In reply to the‡ immediate inquiries of your letter, I must state that whilst all persons proceeding from this state and found in arms within the jurisdiction of the province of Upper Canada, have lost all claim to the protection of the laws of the United States and of this state, and whilst all intercourse between the United States and foreign powers belong to the Federal government, I cannot permit, without resistance, any invasion upon the soil of the sovereign and independent state over which I preside as chief magistrate.

I am, &c.
(signed) *Stevens T. Mason.*

(No. 12.)

Sir,

Chippewa, 16 January 1838.

Captain Drew, of the Royal Navy, who commands the naval department here, in the service of Her Majesty, has just informed me that he has received a letter from you, stating that Her Majesty's schooners are anchored in the waters of the United States, and that you anticipate a breach of neutrality between the two nations.

I have the honour to inform you that the rebels in arms against Her Majesty's Government abandoned Navy Island on the night of the 14th inst.; that their arms and munitions
of

* Colonel Radcliffe (the commandant) here, among others. (signed) *J. Prince.*

† They were dispersed for a few hours, but soon all collected together again.

(signed) *J. Prince.*

‡ Meaning my request that he would allow us to attack and take the schooner anchored on their shore. (signed) *J. Prince.*

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No. 25.

Enclosures in
Sir F. B. Head's
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7 February 1838.

of war are now on board the Barcelona steam-vessel, in the port of Whitehaven, Grand Island, and that it is the intention of the rebels to proceed in the same vessel to effect a landing in the western part of Upper Canada: under these circumstances it is my duty to watch the rebels, and to endeavour by every possible and legal means to arrest their progress, and to prevent their carrying their designs against Her Majesty's Government into execution.

If, however, to prevent the possibility of the breach of neutrality which you apprehend, you will undertake to stop the said steam-boat, or any other vessel which may be employed in the same cause, and have her examined, to ascertain whether or not they have any of the rebels on board lately in arms upon Navy Island, or any of their arms or munitions of war, I will immediately give orders that Her Majesty's vessels shall merely remain in the Niagara river as a squadron of observation, and without interfering in any manner with any vessel that may pass or repass upon any business whatever.

I have, &c.

C. H. Hughes,

Lieut.-Col. Commanding 24th Regt.
and Colonel Commanding Niagara Frontier.

Major-General Scott, &c. &c.
Commanding United States Army, Buffalo.

(No. 13.)

Sir,

Chippewa, 21 January 1838.

I have the honour to enclose the last communications between myself and General Scott, commanding the United States troops at Buffalo, which last answer I have only now received, and of which I request you will inform his Excellency the Lieutenant-governor.

I herewith forward the same to his Excellency the Lieutenant-general.

I have the honour to acknowledge the receipt of your letter of the 19th instant. I have ordered 25 men of the artillery to proceed to Niagara to-morrow morning, to embark for Toronto under Captain Glasgow, and have given directions to Lieut.-colonel Cameron, R. A., that the ordnance and ordnance stores may be forwarded to Toronto, agreeable to your orders.

Lieutenant Crawley, R. E., is at present at Niagara, for the purpose of inspecting and reporting to you the state of Fort Mississagua; and I agree with you that a subaltern of the Royal Artillery should for the present be stationed there, and more artillery-men than will remain from those to be taken by Captain Glasgow, on account of the number of guns which you propose to leave there.

I have, &c.

C. H. Hughes,

Lieut.-Colonel 24th Regt.,
and Colonel Commanding Niagara Frontier.

Colonel Foster, &c. &c.
Commanding in Upper Canada.

(No. 14.)

Head Quarters, Eastern Division U. S. Army,
Buffalo, 20 January 1838.

Sir,

I had the honour to receive by the hands of Captain Maitland your letter of the 16th instant, which enclosed one of the same date from Captain Drew of the Royal Navy, and I have since received the communication of Colonel M'Nab, commanding Her Majesty's militia and naval forces on the Niagara frontier, dated the 18th.

I begged Captain Maitland to offer you my numerous and pressing engagements as an apology for my not giving at the time a more formal acknowledgment of the first and second notes, and the same apology was repeated through Captain Glasgow, whom I have since had the pleasure to receive as a visitor.

Both Captains Maitland and Glasgow had opportunities (and I was pleased that it was so) to witness the character of my occupations, which had for object the defeat, by harmonizing all the authorities, civil and military, both of the general and state governments of the hostile expedition on foot, within our jurisdiction, against Her Majesty's neighbouring province.

From the measures taken, and really to be applied, I am happy to repeat what I orally communicated through Captains Maitland and Glasgow, that I entertain a well-grounded hope that we shall be able to prevent the embarkation of any considerable portion of the men and arms of that expedition on this side of Cleaveland; and Brigadier General Brady, United States Army, under my command at Detroit, has taken measures, in conjunction with his Excellency the Governor of Michigan, to maintain the obligations of neutrality in that quarter.

At this place I think we shall certainly be able to prevent any hostile embarkation; and the steamer Barcelona has already been out, and will proceed again the moment the wind shall permit, with a detachment of United States troops and the proper civil officers, as high up the lake as Dunkirk, looking into Cataraque and Silver Creeks on the way. Another, and a better steamer, the Robert Fulton, will follow to-night or early on the morning with a larger detachment. The latter may go as far as Detroit, and certainly, the weather permitting, as high as Cleaveland. The object of both boats and detachments is the same—to prevent the embarkation of the hostile expedition.

As was explained to Captains Maitland and Glasgow, my powers to effect that object have been much enlarged since I had the honour to address to you my former note, and we

(the

(the civil authorities and myself) are daily in the expectation of receiving a new Act of Congress, giving us yet more ample authority.

The steamer *New England*, lying in this port, and understood to be engaged to take off portions of the hostile expedition from points above, we hope to find the means of detaining. I have, in the act of writing this sentence, the further hope of hiring and taking her into the service of the United States.

I give these details in the spirit of national amity, and in the sincere hope that the neutral relations of the two countries may long be maintained.

It is with reluctance that I advert, and I shall merely advert, to certain points in the three communications acknowledged above.

I cannot stipulate, as you have proposed, as the price of your respecting the sovereignty of the United States, "to stop the *Barcelona*, or any other vessel which may be employed in the same cause, and have her examined, to ascertain whether or not they may have any of the rebels on board lately in arms upon Navy Island, or any of their arms or other munitions of war," and so I said orally, through Captain Maitland; and added, that whilst I should be happy to do all that our laws would permit to maintain our neutral relations with Great Britain, I had another high duty to perform—that of preventing, by all the means I could command, the violation of the sovereignty of the United States. I said in my note of the 15th instant to the commanding officer of the armed British vessels in the Niagara, that it gave me pain to perceive the armed vessels anchored in our waters, with the probable intention to fire upon the expedition moving within the same waters, and that I should "be obliged to consider a discharge of shots or shells from or into our waters, from the armed schooners of Her Majesty, as an act seriously compromising the neutrality of the two nations."

Captain Drew, in the reply which I am thus acknowledging, has been pleased to mistake my point, and to raise another, which certainly, in time of peace, no functionary of the United States will ever question, viz. the common right of both nations to navigate in all their breadth, the waters of the Niagara.

Colonel MacNab, who will pardon me for not addressing myself directly to him (indeed I have not the time without neglecting some urgent duty of neutrality), has opened upon me a wide field of complaint and controversy. What may be his peculiar views of international law, as applicable to recent and present circumstances on this frontier, I have, in the way of discussion, nothing to do. That code is also open to me, and I shall not fail, regardless of his admonitions, to apply it to current events.

I will, however, state to you, in the spirit of amity, that I knew where the steamer, the *Barcelona*, was on the 15th, 16th and 17th instant, passing up from Grand Island to this port; she had no part of the personnel or materiel of the hostile expedition on board.

Colonel MacNab tells me that, but "for an unfortunate misapprehension of the orders given by Captain Drew," that vessel (she alone passed up) would have been assailed. More pacific than the colonel, I shall call that misapprehension a most fortunate event; and only regret that some equally kind influence did not preside over the friendly relations of the two countries on the night of the unhappy affair of the *Caroline*.

As to the alleged discharge of arms from Grand Island, on the 13th instant, by a party of New York militia, upon the boat of Lieutenant Elmsley of the Royal Navy, and the correspondence which ensued between Colonel MacNab and Colonel Ayres of the New York militia on the subject, I have no knowledge except through Colonel MacNab. I shall inquire for that correspondence, and refer the whole subject for investigation to the proper state authority now present, only remarking at this time, that Colonel Ayres was not then, nor is yet, taken into the service of the United States, or under my command. I have no doubt that all that is proper will be done in the case, and to that end I shall give my attention.

General Arcularius, who has, I know not how, got into correspondence with Her Majesty's authorities on this frontier, has, I believe, returned to Albany. He held no command on this frontier, either under the state or general government; being here, as I learn, as the agent of the former, to claim and to get possession of certain arms purloined from the state arsenals; many of these cannon and muskets have already been recovered, and we hope soon to recover the remainder.

I have received a note from Lewiston, stating that a ferry-boat, belonging to that place and Queenston, has for some cause or other been detained on your side of the river, to the great inconvenience of our people in that neighbourhood. I make no complaint of the subject, because I am ignorant of all the material circumstances, but will suggest, whether it may not contribute to the restoration of good feelings on both sides, to permit the ferry-boat to resume her usual trips, particularly as I think I can assure all the Navy Island people have advanced up the country to this place and beyond.

I have, &c.
(signed) *Winfield Scott.*

P.S. I have engaged the *New England*, and a party of troops has just gone down to take possession of her. The hostile expedition can now obtain no boat this side of the Erie.

(signed) *W. S.*

Colonel C. Hughes,
British Army, Commanding, &c. &c. &c.

(No. 15.)

UPPER
CANADA.

No. 25.

Enclosure in
Sir F. B. Head's
Despatch,
7 February 1838.

CORRESPONDENCE between Colonel the Honourable *Allan N. MacNab* and Major General *Scott*, of the United States Army; together with the Depositions of *Seth Conklin*, a Citizen of the United States, in relation to the manner in which the American Authorities have observed the Neutrality of their Government upon the Niagara frontier.

Sir,

Head Quarters, Chippewa, 20 January 1838.

I have the honour to enclose, for the information of his Excellency the Lieutenant-governor, the copy of the letter which I addressed to General Scott, remarking upon a correspondence between that officer and Captain Drew of the Royal Navy, together with the verbal reply of General Scott, as detailed in the enclosed report of Lieutenant-colonel Bethune to me. This officer having been charged with my despatch to General Scott, I take the opportunity of acknowledging his services, since he volunteered to accompany me while on this command.

I beg also to enclose the deposition made by a person of the name of Conklin, who was a prisoner among the rebels at Navy Island, showing the manner in which the officer in command of the United States forces upon Grand Island has preserved the neutrality of his government in relation to the late disturbances upon this frontier.

I have, &c.

(signed) *Allan N. MacNab.*

Lieut.-Colonel Strachan,
Military Secretary.

Colonel Commanding Militia and Naval Brigade.

(No. 16.)

To the Commanding Officer of the armed British Vessels in the Niagara.

Head Quarters, United States Army,
Eastern Division, two miles below Black Rock,
15 January 1838.

Sir,

With his Excellency the Governor of New York, who has troops at hand, we are here to enforce the neutrality of the United States, and to protect our own soil and waters from violation.

The proper civil officers are also present, to arrest, if practicable, the leaders of the expedition on foot against Upper Canada.

Under these circumstances it gives me pain to see the armed vessels mentioned anchored in our waters, with the probable intention to fire upon that expedition moving within the same waters. Unless that expedition shall first attack, in which case we shall interfere, we shall be obliged to consider a discharge of shot or shells from or into our waters, from the armed schooners of Her Majesty, as an act seriously compromising the neutrality of the two nations. I hope, therefore, that no such unpleasant incident may occur.

I remain, &c.

(signed) *Winfield Scott.*

(No. 17.)

Sir,

Head Quarters, Chippewa, 16 January 1838.

I have had the honour to receive your letter of the 15th instant, in which you state "it gives you pain to perceive the armed vessels of Her Majesty anchored in your waters, with the probable intention to fire upon that expedition moving within the same waters."

The object I have in view is to prevent the rebels who have lately been in arms against Her Britannic Majesty upon Navy Island, and who have now taken shelter upon Grand Island, a territory of the United States, from effecting a landing in any part of the province of Upper Canada; and for this purpose I have made such a disposition of the force under my command as will most effectually perform that service.

With reference to the vessels of Her Majesty being anchored in your waters, I have always understood, that so long as Great Britain and the United States were at peace and amity, that the right of the full navigation of the river Niagara belonged to each power; and if I have suffered an infringement upon any international law, I beg you will do me the favour to refer me to it.

I have, &c.

(signed) *Andrew Drew,*

Commander in the Royal Navy, Commanding Naval Brigade.

To General Scott, &c. &c. &c.

Commanding the Forces of the United States, &c. &c. &c.

(No. 18.)

Sir,

Head Quarters, Chippewa, 18 January 1838.

The correspondence which has taken place between you and Captain Drew of the Royal Navy, during my short absence from this frontier, where I have the honour of commanding Her Majesty's naval and military forces, having been laid before me by that officer, I beg to offer a few observations upon it.

You

You state that you, with his Excellency the Governor of New York, are near Black Rock, with troops at hand to enforce the neutrality of the United States, and to protect your own soil and waters from violation; that the proper civil authorities are also present to arrest, "if practicable," the leaders of the "expedition" on foot against Upper Canada; that under these circumstances it gives you "pain" to perceive the armed vessels of Her Britannic Majesty anchored in your waters, with the probable intention to fire upon that "expedition" moving within the same waters; that unless that expedition shall first attack, in which case you will interfere, you will be obliged to consider a discharge of shot or shells "from or into" your waters, from the armed schooners of Her Majesty, as an act seriously compromising the neutrality of the two nations; that you hope, therefore, that no such unpleasant incident may occur.

With regard to your views of the right of the expedition referred to, to pass up the Niagara River, near your shores, unmolested by the forces under my command, I beg to enter my most decided protest. The waters of the Niagara River, for the purpose of navigation, are, as Captain Drew has very properly said, common to the inhabitants of Great Britain and the United States, so long as these powers are at peace with each other; and that being the case, I cannot understand why the schooners under my command, and anchored in the river, have not the right to capture and destroy any expedition on foot against Upper Canada, and moving upon the waters of that river, whether on the one side or the other, or exactly in the centre of the stream. My own opinion is that they have that right, and had it not been for an unfortunate misapprehension of the orders given by Captain Drew to the officer in command of the schooners, that right would most assuredly have been exercised.

The second paragraph of your letter appears to me so much at variance with that neutrality which, in my humble opinion, should be observed upon the present occasion by officers of the United States, that I cannot refrain from making a remark or two upon it.

I cannot understand why it should give an officer of a neutral power "pain" to observe an intention on our part to punish the actors in an "expedition on foot" against this province. It appears to me, that such an intention should rather give pleasure than pain to an officer situated as you are, who really desired to see the rebellion against the constituted authorities of Upper Canada put down; more particularly as the majority of the persons concerned in the hostile expedition were citizens of your own country, and were in fact in the situation of mere banditti.

I regret to observe an evident intention on the part of the authorities of the United States, stationed on the Niagara frontier, to screen the guilty actors in this disgraceful outrage against the laws, as well of Great Britain as of the United States, otherwise we should not hear those authorities speak of the "practicability" of arresting the leaders of that expedition, when so completely in their power, as those men are who lately occupied Navy Island.

I had, on the 11th instant, the honour to address Commissary-general Arcularius, or the officer in command of the United States militia forces, on the Niagara frontier, upon the subject of an outrage committed by the militia force of the United States, stationed upon Grand Island, on Lieutenant Elmsley, of the Royal Navy, and the boat's crew under his command, but I have not as yet received any answer to my communication upon this matter. I may now briefly state, that the outrage complained of was the firing upon Lieutenant Elmsley, by the militia force alluded to, and directly under the American flag.

I trust that you will cause an investigation of this serious charge to be made; and I have the honour to request that the result of your inquiries into this matter may be communicated to me with as little delay as possible.

I beg also to refer you to the correspondence that took place on the 13th instant, between Colonel Iron Ayer, of the 48th Regiment, 47th Brigade, New York Militia, in relation to certain complaints made by that officer to me, in order that the same may be laid before the proper authorities in the United States for investigation, as I have no desire to conceal from the world any part of my conduct whilst in command of Her Majesty's forces upon this frontier.

I have, &c.

(signed) *Allan N. McNab*,

Colonel Commanding Militia and Naval Forces,
Niagara Frontier.

To Major General Scott, United States Army,
&c. &c. &c.

(No. 19.)

Head Quarters, Chippewa,

Friday night, 19 January 1838.

Sir,

I have the honour to report to you, that I proceeded to Buffalo with your despatch to General Scott, of the United States army, where I had the honour of an interview with that officer this morning.

After General Scott had perused the despatch, he desired me to inform Colonel McNab, that at a convenient time he would answer his despatch in writing; that at present he could only do so verbally. General Scott then remarked, that it was evident Colonel McNab was desirous of drawing him into a correspondence, for which he had no leisure at present, as his time was wholly occupied in endeavouring to preserve the neutrality of the United States during the existing disturbances on our frontier; that Colonel McNab might have leisure for maintaining such correspondence, but he (General Scott) had not; and that he had been

UPPER
CANADA.

No. 25.

Enclosure in
Sir F. B. Head's
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so employed in maintaining the neutrality of the United States, two officers of the British army then in the house (American Hotel) could testify.

I beg leave to remark, that General Scott appeared very much agitated on perusing your despatch, and while he made the above verbal communication.

I have, &c.

(signed) *D. Bethune.*

To Colonel the Hon. Allan N. MacNab,
Commanding Militia and Naval Forces, Niagara Frontier.

(No. 20.)

District of Niagara, } Seth Conklin, late of Syracuse, in the state of New York, but now of
to wit. } Chippewa, in the province of Upper Canada, miller, deposeth upon oath and saith, that he went to Navy Island on Sunday the 7th of January, instant; that he left the island on the following morning; that he was taken up by a party of the militia of the state of New York, stationed on Grand Island; that he was accused by said militia of being a spy on Navy Island, when a sergeant of said militia held a pistol to deponent's breast and threatened to shoot him, and at the same time five or six of his men seized deponent and dragged him to a boat, in which they attempted to put him, for the purpose of taking him over to the patriots upon Navy Island; that at the earnest entreaty of deponent, he was taken back to the commanding officer on Grand Island, Colonel Ayer, by whom he was questioned as to where he had been, and why he had been at the island; that Colonel Ayer then ordered him to be searched, upon which he claimed protection of Colonel Ayer, as an American citizen; and Colonel Ayer said he should be protected, and gave him in charge of a sergeant, who kept him a prisoner till after dark; that Major Chase, of the Navy Island patriots, then came from the island, to sup with the United States militia officers, when another colonel of the United States militia, a tall man, with a dark complexion, told deponent that he must return to the island; that deponent again claimed from this officer protection as an American citizen, but that he replied—"You shall go immediately, and if you hesitate we will force you." He said further, that if deponent remained on Grand Island, he would be shot, and that if any disturbance occurred concerning him, he, the colonel, would shoot him with his own hand. That when Major Chase, of the Navy Island patriots, demanded deponent, the last mentioned Colonel said that he might take him; that deponent again claimed protection as an American citizen, when Major Chase said, if deponent was allowed to remain on Grand Island he would escape and inform the British of the state of Navy Island; that upon this fifteen or twenty of the United States militia declared that deponent should go, but that the sergeant who had him in charge wished that, to satisfy General Van Ransselaer, he might be sent to Buffalo Gaol, to which deponent consented; that the rest of the militia insisted upon his going to Navy Island, and that he entreated of them not to send him there, alleging that he would certainly be shot before he got there; that the sergeant then proposed for him to choose three men of the guard to accompany him. Deponent fearing that he should be murdered before he got there, did choose three men to accompany him, and he was taken by five militia-men, namely, a sergeant and four men of the United States militia, in company with Major Chase, and delivered by them at General Van Ransselaer's quarters, in charge of Major Chase. Major Chase told the sentries at the head of the Island to allow the boat which brought over deponent to pass, as it was a friendly boat. That deponent remained a prisoner upon Navy Island until the patriots evacuated it, during which time he was kept in close confinement, in a house on the south front of the Island, which was open to the fire of the British guns; and that three of their shots passed through the house whilst he was confined there.

(signed) *Seth Conklin.*

Sworn before me at Chippewa, this 18 January 1838.

(signed) *Samuel Street, J. P.*

(No. 21.)

Sir,

Head-quarters, Chippewa, 19 January 1838.

It becomes my painful duty to report to you, for the information of his Excellency the Lieutenant-governor, that since I had the honour of commanding the militia and naval force upon this frontier, three of our brave and loyal militia have unfortunately lost their lives in the service of their country, against the rebels and their piratical allies upon Navy Island. They were all killed by gun-shot wounds.

It cannot but become the imperative duty of his Excellency, as I am sure it will be his inclination, to communicate to our ambassador at Washington, this additional proof of the disgraceful and murderous conduct of those citizens of the United States who associated themselves with Mackenzie upon Navy Island, under the command of Van Ransselaer, who has been recognised by some of the authorities in the United States as a general.

I have, &c.

(signed) *Allan N. MacNab,*

Colonel Commanding Militia and Naval Forces.

Lieutenant-Colonel Strachan,
&c. &c. &c. Toronto.

—No. 26.—

UPPER
CANADA.

(No. 22.)

COPY of a DESPATCH from Lieutenant-governor Sir *F. B. Head*, Bart., to
Lord *Glenelg*.No. 26.
Sir *F. B. Head* to
Lord *Glenelg*,
6 March 1838.

My Lord,

Toronto, 6 March 1838.

I HAVE the honour to enclose to your Lordship a copy of the speech with
which I this day prorogued the Provincial Legislature.

I have, &c.

(signed) *F. B. Head*.

Enclosure in No. 26.

SPEECH :

Honourable Gentlemen of the Legislative Council ; and Gentlemen of the House of
Assembly :

Encl. in No. 18.

Considering the circumstances under which you were hastily assembled, it is satisfactory to me to observe that you have been enabled, notwithstanding occasional anxiety from attempted invasions of our frontier, to give your deliberate attention to the public interests, and to mature some valuable measures.

The Act for the amendment of the Militia Law will, I trust, remove any obstacles that may have prevented the full efficiency of a force, upon which this Province must principally rely for its safety and independence. The other measures which late events have induced you to adopt will be found, I doubt not, well suited to the exigency, and nothing can be more satisfactory than the readiness and unanimity with which the Legislature have applied themselves to meet the emergencies of the present remarkable crisis.

Gentlemen of the House of Assembly :

I thank you for the supplies which you have granted for the support of the Civil Government during the present year.

It is much to be lamented that at a moment when the disturbed state of Lower Canada, and the depression of commerce occasioned by it, must tend materially to diminish our revenue, the necessity for new charges should be created to an inconvenient extent, by the unexpected hostility of our allies, which has forced us, for a continued length of time, into a state of actual warfare along the whole extent of our frontier.

Honourable Gentlemen, and Gentlemen :

I regret to say that there still exists among a portion of the American people, so strong a desire to force upon the free inhabitants of this Province republican institutions, that with scarcely an exception every Government arsenal, from Lake Champlain to Lake Michigan, has within the last two months been broken open and plundered, to furnish arms for the invasion of this portion of the British empire ; and however the circumstance may be explained, it is certainly a remarkable fact, that all these robberies have been effected without the sacrifice of a single life, and without even the imprisonment of the person who is notoriously the instigator of these acts.

The wrong which citizens of the neighbouring States have committed, by thus attempting to dictate to the inhabitants of Upper Canada the form of Government under which they are henceforward to exist, will, as the assertion of a new theory, be condemned by the civilized world as severely, as in practice it has been repudiated by the people of this Province.

What right, it will be calmly asked, have the inhabitants of one country, armed with the artillery and weapons of their Government, to interfere with the political institutions of another ? What excuse, it will be gravely considered, had citizens of the United States for invading the territory of Upper Canada ?

When our coloured population were informed that American citizens, sympathising with their sufferings, had taken violent possession of Navy Island, for the double object of liberating them from the domination of British rule, and of imparting to them the blessings of republican institutions, based upon the principle that all men are born equal, did our coloured brethren hail their approach ?—No ! on the contrary, they hastened as volunteers in waggon-loads to the Niagara frontier to beg from me permission, that in the intended attack upon Navy Island they might be permitted to form the forlorn hope—in short they supplicated, that they might be allowed to be foremost to defend the glorious institutions of Great Britain.

When the mild Aborigines of this continent, who live among us uninjured and respected, were informed that citizens of the United States, disregarding the wampum-belt which was sacredly connecting them with Great Britain, had invaded our shores to sympathise with the sufferings of the red tenants of the forest, and to offer them American friendship instead of the enmity of British rule, did our Indian brethren hail their approach ? No, their chiefs and warriors instantly painted their faces for battle, and with rifles in their hands these free-born defenders of their virgin soil appeared before me with a solitary request, namely, that in case of their death their wives and children might be pensioned. The Six Nation Indians,

UPPER
CANADA.

No. 26.

Sir F. B. Head to
Lord Glenelg,
3 March 1838.

Encl. in No. 18.

the Missisaguas, the Chippewas, the Hurons and the Ottawas, spontaneously competed with each other in a determination to die, if necessary, in defending the British Government, under whose parental protection they and their fathers had been born.

When the Canadian farmers and yeomen of British origin were informed that citizens of the United States, sympathising with their sufferings, had in three instances taken forcible possession of Her Majesty's territory, for the purpose of liberating them from British domination; that, with this object in view, the American leaders had issued proclamations promising to each liberator 300 acres of the best lands of Upper Canada, with 100 dollars in silver; that the American self-styled general in command of the liberators had called upon the citizens of Upper Canada "to free their land from tyranny, to rally round the standard of liberty, to lay down their arms;" in which case, it was beneficently promised to them, that "their persons and property should be protected," and that if they would "cease resistance, all would be well with them;"—did the Canadian inhabitants hail their approach? No, on the contrary, their brave and loyal militia, although totally deprived of the assistance of Her Majesty's regular troops, rose simultaneously, and regardless of every private consideration, wherever the invaders appeared thousands of bayonets were seen bristling on our shore, ready to receive them. On the eastern, as well as on the western frontier, but one feeling prevailed; it was a noble determination on the part of free men to conquer or die in defence of their religion, their constitution, their character, their families and their farms; yet, notwithstanding their excited feelings, when the American citizens, who from an armed schooner, had cruelly battered the town of Amherstburgh, fell into the hands of the brave militia of the western district, (in which not a single rebel had been in arms,) did these prisoners fall victims to popular fury, or were they even insulted? No, the instant our invaders surrendered to British power, they experienced that mercy which adorns the British name; their wounds were healed at our hospitals, and from the western extremity of Upper Canada, they were conducted unharmed through the province, safe under the protecting ægis of our laws.

When a band of rebels, defeated in their cruel object to reduce this capital to ashes in the depth of a Canadian winter, were, after the conflict at Gallows-hill, brought to me as prisoners on the field; was any distinction made between American-born and our other Canadian subjects? No, all were released. Before the assembled militia of Upper Canada all were equally pardoned; and though many of our brave men, smarting under feelings natural at the moment, evidently disapproved of the decision, yet all bowed in obedience to the administrator of their laws, and, under the noble influence of monarchical government, they allowed their assailants to pass uninjured through their ranks.

When the gallant inhabitants of the provinces of New Brunswick and Nova Scotia received intelligence that American citizens had commenced an attempt to free the British North American Colonies "from the tyranny of British rule," did they rejoice at the event? No; a burst of loyalty resounded through their lands, and a general desire to assist us was evinced.

If Upper Canada were merely a young healthy province, with no protection on the continent of America but its character, its industry, and the agricultural difficulties it has to contend with; its filial attachment to its government; the bravery it has shown in its defence, and the mercy it has extended to its captured assailants, ought to be sufficient to make its aggressors ashamed of their late attempt to force upon their neighbours, institutions which they conscientiously and unequivocally reject. But when it is considered that Upper Canada is an integral portion of the British empire, and that the two countries are at this moment bound together by a solemn treaty of peace, the faithless attack of citizens of the United States upon the province, after it had completely quelled a slight domestic insurrection, will, if persisted in, excite feelings among the generous nations of Europe, which will add but little to the character of Republican institutions: for surely the smile of a nation should not be more dreaded than its frown, or its extended hand be more fatal than its uplifted arm.

When the facts just stated are clearly comprehended by intelligent men, how will the American citizens, who have so wantonly attacked the British empire, find it possible to explain, that the province of Upper Canada required them to interfere in its concerns?

But it seems now to be admitted, that our invaders have been deceived, that they falsely estimated the Canadian people, and that they have at last learned that the yeomen, farmers, militia, Indians, and coloured population of this province, prefer British institutions to democracy; nevertheless, as an *ex post facto* excuse for the sinful and repeated invasion of the province, it is urged that the crew of the Caroline steam-boat, which was captured more than fourteen days after Navy Island had been forcibly taken from us, have been "assassinated," and that "an extraordinary outrage" has been committed upon the Americans by our militia, who so ably and gallantly cut out that pirate vessel.

If Navy Island had been violently taken possession of by Canadian rebels, instead of by a body of Americans, armed, fed and commanded by American citizens; if these Canadian rebels had then thought proper to invade the United States, to break open half a dozen of their state arsenals; to rob each of many hundred stand of arms; to plunder from the American government twenty-two pieces of cannon, and to set the laws and authorities of the republic at defiance; could any reasonable man declare that we should offer, or that we could be supposed to intend to offer, any offence to our allies, if in a moment of profound peace, we were to pursue in the Niagara river, the guilty vessel which had transported to the island these American arms, and capture her, whether she were in British waters, in American waters, moored to the British shore, or to the American shore?—would it not be our bounden duty to the American people, to capture this pirate vessel?—and if we were to fail

to

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to do so, might not our allies hold us responsible for acts of such unprovoked aggression committed upon them by British subjects, inhabiting a British island?

Again, supposing that the Americans were to co-operate with us (as under such circumstances of course they would have done,) in chasing this pirate vessel, could it be supposed for a moment that each power would only be permitted by the other to capture her, so long only as she continued in their own half of the river: and that if our British boatmen, at the peril of their lives, were to capture the vessel in American waters, or on the American shore, it would be considered by the Americans as a "violent outrage?" There can be no doubt in the mind of any reasonable man, that we should only perform our duty to the Americans by destroying a vessel belonging to our own islanders, which had so grossly insulted them—which had completely overpowered their government—and which, in a moment of peace, had so flagrantly violated the laws of nations. And if we should be justified in capturing the vessel of our islanders on account of the wrongs they had perpetrated upon the American nation, surely we should have additional right to do so on our own account, if the 22 pieces of cannon forcibly wrested from the American government had not only been employed for a fortnight in firing from the island upon the peaceable subjects of Her Majesty, but to our certain knowledge were about to be transported to our main land for the purpose of committing murder, arson, and robbery in this province!

It is, however, declared by our allies, that because these lawless possessors of our island turned out to be American citizens, and because their own government was totally unable to control them, the capture of their vessel by us became a "violent outrage!"

It would not have been considered by them an outrage had we, by force of arms, prevented Canadian islanders from violating American arsenals—from insulting American authorities—and from firing 22 pieces of the United States' cannon upon British subjects; but it is considered as an outrage for us to prevent an American vessel from enabling American citizens to commit these unparalleled aggressions.

In the history of this province, the capture of the *Caroline* (whoever might have been her crew) will, I maintain, be respected by future ages, as a noble proof of the sincerity of the Canadian people to fulfil their engagements, by crushing a pirate force, which, in violation of existing treaties, was insulting from a British island their American allies, and which General Arcularius, Governor Mason, Governor Marcy, the President, and Legislature of the United States, had absolutely found too powerful for the executive force of the Republic to control.

The fact that the pirate force was composed of and commanded by American citizens, adds to the aggression committed against the Canadians, but subtracts nothing from the crime of robbery perpetrated upon the United States' arsenals, unless indeed the American people or the American authorities should deem it proper to declare that it was no robbery at all, for that the aggression was approved of, that the state cannon and state muskets were knowingly and wilfully lent to the invaders of Navy Island, for the purpose of forcing republican institutions upon the people of Upper Canada, and that under these circumstances, (which are incredible,) the attack of Canadian militia upon the American citizens who were on board the *Caroline* was an "extraordinary outrage."

But supposing for a moment this false reasoning to be unanswerable—supposing even that the commission of the outrage were to be admitted by the Canadians—and that it were also to be admitted by them that the capture, by Canadians, of a small steam-boat moored to the American shore was an outrage equal in magnitude to the capture of Navy Island by American citizens, still to make the Canadian outrage as flagrant as that which had been committed upon us by citizens of the United States, it would have been necessary for the Canadians, after they had taken possession of the *Caroline*, to have fired from her deck with 22 pieces of cannon, for more than a fortnight, upon the American shore; and even then, though the outrages would certainly have been rendered apparently equal, still the former would have been an outrage of retaliation upon an enemy, the latter an outrage of unprovoked attack upon a friend.

There are two facts which the American nation have not power to deny.

1st. That it is their interest as well as their duty to fulfil their treaties.

2d. That if their people be permitted to rob the United States' arsenals in order to invade a friendly power, the lawless body will very soon find out that it is easier to plunder their own wealthy, defenceless citizens, than the poor, brave, well-armed people of Upper Canada.

I have felt it to be the especial duty of the legislative station I hold, not only to protest against the unprincipled invasion of this province by its allies, but to vindicate the inhabitants from the unreasonable accusation which, without due inquiry, was made against them by the federal government of the United States, of having "assassinated" the crew of the *Caroline*.

The memoir of the attack which has just been made upon us offers a moral to the mother country, which I feel confident will create throughout the empire considerable sensation; for although the old country is not without its share of human misapprehension and prejudice, particularly as regards its transatlantic possessions, yet when facts are clearly submitted to it, its judgment is always sound, and its verdict nobly impartial.

The struggle on this continent between monarchy and democracy has been a problem which Upper Canada has just solved.

It had been very strongly argued, even in England, that democracy was the only form of government indigenous to the soil of America, and that monarchy was a power which required here artificial support.

With a view to subvert this theory, the whole of the Queen's troops were allowed to retire

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from the province ; and the result, as had been anticipated, was that the people of Upper Canada were no sooner left uncontrolled than they proclaimed themselves in favour of monarchical institutions. Surrounded by temptations on almost every side, they indignantly rejected them all ; in a few hours they successfully put down insurrection in their own land, and when American citizens, astonished as well as disappointed at their loyalty, determined to force them to become republicans, people of all religions and of all politics rushed to the frontier to die in defence of their glorious constitution.

The conduct of the militia of Upper Canada attracted the attention of the gallant and loyal inhabitants of New Brunswick and Nova Scotia, whose legislatures have done themselves, as well as this province, the honour of promptly expressing their unqualified approbation of the attachment which has been evinced here to the British constitution.

When these facts shall arrive before the English people, and when they shall also have taken into their consideration the devoted and unalterable attachment which the British population of Lower Canada have evinced for our revered institutions, surely they will come to the conclusion that the concurrent opinions of Her Majesty's North American colonies respecting the relative advantages between monarchy and democracy in America must be sounder than their own can be, inasmuch as eye-witnesses judge more correctly than people can possibly do who are living 4,000 miles off.

The people of England will, I trust, not fail to admire the calmness, the resolution, the generosity, and the honourable subjection to their laws, which have distinguished the inhabitants of Upper Canada ; and on the other hand, they certainly cannot fail to observe, that the republican project of our English reformers, namely, to make the people bit by bit responsible only to themselves, has ended in America by the government of the United States confessing its total inability to restrain the passions of its citizens, to guard its State arsenals, or to maintain its treaties with its oldest and most natural ally.

Lastly, The British people will, I trust, observe with considerable alarm that the leading advocates for organic changes in our institutions, are either at this moment lying in our gaols as traitors, or, from having absconded, are self-banished from the province ; in short, that their pretended efforts to obtain in Upper Canada what they called "Liberty for the People," has ended in a most infamous and self-interested attempt to plunder private property, rob the banks, and burn to ashes the rising capitol of their country !

With this experience before our eyes, I must confess I join with the Legislature and people of Upper Canada in shuddering at the abused name of "reform," just as we now recoil with abhorrence when we hear suddenly pronounced the word "sympathy."

As my successor is hourly expected here, I return to the mother country as I left it, totally unconnected with party or with politics ; but in retirement I shall remember the lessons which the people of Upper Canada have taught me ; and I feel it my duty to declare that I leave the continent of America with my judgment perfectly convinced that the inhabitants of Europe, Asia, and Africa, are right in their opinion that all men are not by nature equal ; that the assertion of the contrary in America is a fallacy ; and that talent, industry, and character, must elevate individuals, as they do nations, in the graduated scale of society.

May the resplendent genius of the British constitution ever continue to illuminate this noble land, and, animated by its influence, may its inhabitants continue to be distinguished for humility of demeanour, nobility of mind, fidelity to their allies, courage before their enemy, mercy in victory, integrity in commerce, reverence for their religion, and at all times, and under all circumstances, implicit obedience to their laws.

Honourable Gentlemen, and Gentlemen, farewell !

— No. 27. —

(No. 24.)

COPY of a DESPATCH from Lieutenant-Governor Sir *F. B. Head*, Bart., to
Lord *Glenelg*.

My Lord,

Toronto, 6 March 1838.

No. 27.
Sir F. B. Head to
Lord Glenelg,
6 March 1838.

I HAVE the honour to transmit to your Lordship copies of two messages which I have addressed to the two Houses of the Provincial Parliament ; first, on the subject of the destruction of the Caroline steam-boat ; second, on a communication which has been addressed to me by Sir Colin Campbell, Lieutenant-governor of Nova Scotia.

I have, &c.

F. B. Head.

Enclosure in No. 27.

Message from His Excellency the Lieutenant-Governor, with Despatch from Her Majesty's Minister at Washington, on the subject of the destruction of the Piratical Steam-boat Caroline.

F. B. Head,

Encl. in No. 27.

The Lieutenant-governor transmits, for the information of the House of Assembly, in addition to the correspondence already communicated to the House, relative to the destruction

AFFAIRS OF LOWER CANADA, &c.

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tion of the piratical steam-vessel *Caroline*, the accompanying copy of a despatch and its enclosures, which he yesterday received from his Excellency Henry S. Fox, esq., Her Majesty's minister at Washington, on that subject.

Government House, 3 March 1838.

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No. 27.

Sir F. B. Head to
Lord Glenelg,
6 March 1838.

Encl. in No. 27.

Sir,

Washington, 17 February 1838.

I HAVE the honour herewith to enclose, for your Excellency's information, copies of the remaining correspondence that has passed between the United States Secretary of State and myself, upon the question of the capture and destruction of the piratical steam-boat *Caroline*, of the two previous letters from Mr. Forsyth to myself, referred to in my letter to Mr. Forsyth, herein enclosed, of the 6th instant; the first, that of the 6th of January, has been already communicated to your Excellency; the second, of the 19th of January, merely transmitted to me some further affidavits respecting the affair of the *Caroline*, which had been furnished to the American Government, and which have been since published in the American newspapers.

I have, &c.

H. S. Fox.

To his Excellency Sir F. B. Head, Bart.
&c. &c. &c.

Sir,

Washington, 6 February 1838.

WITH reference to the letter, which by direction of the president you addressed to me on the 5th and 19th ultimo, respecting the capture and destruction of the steam-boat *Caroline* by a Canadian force on the American side of the Niagara river, within the jurisdiction of the State of New York; I have now the honour to communicate to you the copy of a letter which I have received upon that subject from Sir Francis Head, Lieutenant-governor of the province of Upper Canada, with divers reports and depositions annexed.

The piratical character of the steam-boat *Caroline*, and the necessity of self-defence and self-preservation under which Her Majesty's subjects acted in destroying that vessel, would seem to be sufficiently established.

At the time when the event happened, the ordinary laws of the United States were not enforced within the frontier district of the State of New York. The authority of the law was overborne publicly by piratical violence: through such violence Her Majesty's subjects in Upper Canada had already severely suffered, and they were threatened with still further injury and outrage. This extraordinary state of things appears, naturally and necessarily, to have impelled them to consult their own security, by pursuing and destroying the vessel of their piratical enemy, wheresoever they might find her.

I avail myself of this occasion, &c. &c.

(signed) *H. S. Fox.*

The Hon. John Forsyth.

Sir,

Department of State, Washington, 13 February 1838.

I HAVE the honour to acknowledge the receipt of your note of the 6th instant, communicating a copy of a letter from Sir Francis Head, Lieutenant-governor of the province of Upper Canada, respecting the capture and destruction of the steam-boat *Caroline*, by a Canadian force, on the American side of the Niagara River, within the jurisdiction of the State of New York, together with the reports and depositions thereto annexed.

The statement of the facts which these papers present is at variance with the information communicated to this Government respecting that transaction; but it is not intended to enter at present upon an examination of the details of the case, as steps have been taken to obtain the fullest evidence that can be had of the particulars of the outrage; upon the receipt of which it will be made the subject of a formal complaint to the British Government for redress. Even admitting that the documents transmitted with your note contain a correct statement of the occurrence, they furnish no justification of the aggression committed upon the territory of the United States—an aggression which was the more unexpected, as Sir Francis Head, in his speech at the opening of the Parliament of Upper Canada, had expressed his confidence in the disposition of this Government to restrain its citizens from taking part in the conflict which was raging in that province; and added, that having communicated with the Government of the State of New York, and with yourself, he was then waiting for replies. It is not necessary to remind you, that his expectations have been met by the adoption of measures on the part of the United States, as prompt and vigorous as they have been successful in repressing every attempt of the inhabitants of the frontier states to interfere unlawfully in that contest. The most serious obstacle thrown in the way of those measures was the burning of the *Caroline*, which, while it was of no service to Her Britannic Majesty's cause in Canada, had the natural effect of increasing the excitement on the border, which this Government was endeavouring to allay.

I avail myself of this occasion, &c.

(signed) *John Forsyth.*

H. S. Fox, Esq. &c. &c.

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No. 27.

Sir F. B. Head to
Lord Glenelg,
6 March 1838.

Encl. in No. 27.

Sir,

Washington, 16 February 1838.

I HAVE the honour to acknowledge the receipt of your letter of the 13th instant, relating to the question of the capture and destruction of the piratical steam-boat *Caroline*.

Although I cannot acquiesce in the view which the United States Government are disposed to take of the facts connected with that transaction, yet, as this legation is not the final authority competent to decide the question on the part of Great Britain, and as you inform me that a representation will, in due time, be addressed to Her Majesty's Government in England, I consider it most consistent with my duty to avoid entering at present into any controversy upon the subject. It will remain for Her Majesty's Government at home, when the whole evidence of the case shall have been produced, to form such deliberate resolution thereupon, as reason, honour, and justice shall dictate.

I avail myself of this occasion to renew to you, &c. &c.

The Honourable John Forsyth.

H. S. Fox.

Mr. Secretary Joseph brought down from his Excellency a message—certain resolutions from the Legislative Council of Nova Scotia.

Sir,

Government House, Halifax, 6 February 1838.

At the request of the Legislative Council of this province, I have the pleasure to transmit to your Excellency the enclosed resolutions of that honourable body, expressing their high admiration of the energetic measures adopted by your Excellency to suppress the recent rebellious outbreak in Upper Canada, and offering their thanks to Colonel Allan Napier MacNab, and the militia under his command, for their gallant conduct on that occasion.

I have, &c.

C. Campbell.

His Excellency Sir Francis Bond Head, Bart., &c. &c. Toronto.

Legislative Council Chambers, 29 January 1838.

On motion of Mr. Stewart, seconded by Mr. Ousley,

Resolved unanimously, That while the members of this House view with the deepest regret the existence of rebellion in the provinces of Lower and Upper Canada, they cannot refrain from expressing the gratification they have derived from those warm and animating displays of universal loyalty and attachment to the British constitution and government, to which it has given occasion throughout the British North American colonies.

Resolved unanimously, That the grateful acknowledgments of this House ought to be immediately conveyed to his Excellency Sir Francis Bond Head, the Lieutenant-governor of Upper Canada, for the penetration with which he discovered, and the firm, prompt, and energetic manner in which he baffled and defeated, the mad designs of traitorous men to rob and murder those who prefer the blessings of the British government to republican institutions, but more especially for the noble-minded reliance upon the courage and loyalty of the people alone, by which he was enabled to render most important aid towards the suppression of the unnatural rebellion in Lower Canada.

Resolved unanimously, That the thanks of this House are also due to Colonel Allan Napier MacNab and the loyal militia of Upper Canada for their gallant conduct in crushing in its infancy this rebellious attempt, and in exhibiting a noble example of the spirit with which Her Majesty's North American subjects are determined to preserve their connexion with their mother country, and to put down all endeavours to weaken or destroy it.

Resolved unanimously, That this House view with astonishment and regret the support and assistance which in a time of profound peace and amity between the two Governments have been afforded to the expatriated rebels by many citizens of the American Union, and this House trusts that the efforts of the general Government of the United States will not be remitted until such of its citizens as have been guilty of so unjustifiable a violation of the existing treaty and the laws of nations shall be punished with that severity which they deserve.

Resolved unanimously, That while this House recognise in the British soldier that devotion to his Sovereign and country which has led to the effectual suppression of the rebellion in Lower Canada, and also to a long and dreary march at this inclement season, they cannot but rejoice that the absence of the troops from the Upper Province has afforded gratifying and irresistible evidence of the deep-rooted attachment of the people to the British constitution.

Resolved unanimously, That an humble Address be presented to His Excellency the Lieutenant-governor, praying that he will be pleased to transmit these Resolutions to His Excellency Sir Francis Bond Head, the Lieutenant-governor of Upper Canada.

John C. Halliburton, Clerk.

— No. 28. —

(No. 28.)

COPY of a DESPATCH from Sir *F. B. Head*, Bart., to Lord *Glenelg*.No. 28.
Sir F. B. Head to
Lord Glenelg,
6 March 1838.

My Lord,

Upper Canada, Toronto, 6 March 1838.

I HAVE the honour to transmit to your Lordship a copy of an address which was read to me this day while seated on the throne by The Speaker of the House of Assembly.

I have, &c.
(signed) *F. B. Head*.

Enclosure in No. 28.

May it please your Excellency,

WE, Her Majesty's most dutiful and loyal subjects the Commons of Upper Canada, have granted to our Sovereign Lady the Queen, the supplies necessary to enable Her Majesty to carry on the civil government of this province for the present year.

Encl. in No. 28.

Upon looking back at the various important communications which have been made by your Excellency to the House of Assembly during the present session, we cannot but congratulate you and the country upon the firm and noble attitude assumed by your Excellency in all those public documents which have emanated from your Excellency.

When we reflect upon the serious occurrences that have taken place in Upper Canada and upon its borders within a few months past, and upon the distinguished part taken by your Excellency to maintain the honour and interests of our country during that short but eventful period, we find equal cause of gratulation. Rebellion has been crushed; the attacks of perfidious citizens of a foreign power have been repelled; and peace reigns triumphant within the bounds of your Excellency's government. We trust that the provisions of the militia law, to which your Excellency has just given the royal assent, may, under Divine Providence, contribute to the preservation of this loyal portion of the British Empire from the aggression of all enemies, whether foreign or domestic.

From the message of your Excellency transmitted to both Houses of the legislature, we have too much reason to believe that the present will be the last time we ever shall have the honour of meeting your Excellency on an occasion like the present. In the name of the people of this province, I offer to your Excellency the expression of their deep regret that your Excellency should have felt constrained to tender to Her Majesty your resignation of the government of this province, which your Excellency has administered with so much credit to yourself, and advantage to the country. The people of Upper Canada will ever retain a grateful recollection of the services of your Excellency; and they feel assured your Excellency will meet with a due reward at the hands of our youthful and beloved Queen.

It now only remains for me to present to your Excellency, for the royal assent, the bill to provide for the support of the civil government of this province for the current year.

— No. 29. —

(No. 32.)

COPY of a DESPATCH from Sir *F. B. Head*, Bart., to Lord *Glenelg*.

No. 29.

My Lord,

Upper Canada, Toronto, 12 March 1838.

I HAVE the honour to transmit to your Lordship, in compliance with the request of the Legislative Council, the accompanying address from that House to the Queen, on the state of the province, which your Lordship will be pleased to lay at the foot of the throne.

Sir F. B. Head to
Lord Glenelg,
12 March 1838.

I have, &c.
(signed) *F. B. Head*.

Enclosure 1, in No. 29.

To his Excellency, Sir *Francis Bond Head*, Bart., Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, and Lieutenant-Governor of the Province of Upper Canada, &c. &c. &c.

Encl. 1, in No. 29.

May it please your Excellency:

WE, Her Majesty's dutiful and loyal subjects, the Legislative Council of Upper Canada, in Provincial Parliament assembled, have agreed to an humble address to Her Majesty on the state of the Province, which we respectfully pray your Excellency will be pleased to transmit to the Secretary of State for the Colonies, in order that it may be laid at the foot of the Throne.

J. B. Robinson.

Legislative Council Chamber, 1 March 1838.

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No. 29.

Sir F. B. Head to
Lord Glenelg,
12 March 1838.

Enclosure 2, in No. 29.

To the Queen's Most Excellent Majesty.

Most Gracious Sovereign :

Encl. 2, in No. 29.

WE, Your Majesty's dutiful and loyal subjects, the Legislative Council of Upper Canada in Provincial Parliament assembled, humbly beg leave to address ourselves to Your Majesty upon the difficulties which have lately surrounded this Colony.

In the adjoining Province of Lower Canada a long course of yielding policy has ended, as the loyal inhabitants of that Colony were persuaded it must end, in open rebellion. For many years past the representatives of our Sovereign in that Province have hesitated to give effect to the Constitution, and to enforce the principles of justice; one indignity after another has been borne by them with a forbearance which has had no other effect than to diminish respect for their authority; concession has followed concession, involving in some instances the violation of important principles, until at last the friends of the Crown knew not what institution of the Government they could venture to sustain with confidence, and the avowed enemies of British rule saw no object which they might not hope to gain by insolence and clamour.

The yielding to unjust demands, intemperately urged, does not beget friendship; and it was natural that the deluded inhabitants of Lower Canada should transfer their attachment, as they have done, from the Government which surrendered its prerogatives to the pretended patriots who in their name boldly and successfully assailed them.

Reasoning from the experience of the past, their turbulent leaders were encouraged to hope that there was no change, however destructive it might be of British supremacy, which they might not accomplish by assuming the language and demeanour of defiance. They have, accordingly, so inflamed the minds of an ignorant peasantry by violent harangues and publications, that they have driven them at last to actual rebellion, when it is probable that they intended and hoped to effect their purpose by merely holding out a threatening appearance. Happily this rebellion has been promptly suppressed by the vigorous measures of Lieutenant-general Sir John Colburne, the commander of Your Majesty's forces, but not without a loss of life, especially on the part of the insurgents, which we fully believe would have been avoided by a firm and just exercise of the powers of Government in former years. In order to have discountenanced effectually the efforts of the factious, nothing more, we are persuaded, was necessary than the holding out to them a timely and unequivocal warning that the principles of the British Constitution would assuredly be supported, if necessary, by the power of the British Empire.

The anxiety with which the inhabitants of Upper Canada have regarded the events to which we refer is sufficiently accounted for by the relative position of the two Provinces. Lower Canada interposes between us and the ocean, and it is only by passing through it that we can have access to any other portion of Your Majesty's dominions, without depending on a right of egress through a foreign state. But we assure Your Majesty that other feelings besides the sense of danger to ourselves have prompted us to look with extreme concern upon the late conflict in that Colony. We deeply sympathized with 150,000 of our fellow-subjects, whose lives and properties. it is now become manifest, were in imminent danger of total destruction, from the inveterate hatred of British rule which has sprung up in proportion as the confidence which they were accustomed to repose in the protection of their Government has been suffered to be shaken. It must have been most gratifying to Your Majesty to learn, that in the absence of direct reinforcements from England, it was found not imprudent to withdraw from the other British colonies on this continent whatever regular forces had been stationed in them; and it cannot but tend to raise the character of this Province, that its Government could with safety be left thus destitute of military aid at a time when rebellion was raging in the adjoining colony, and after the people of Canada had been traitorously incited by certain members of the Imperial Parliament to throw off their allegiance to their Sovereign and to resort to violence, if it should be necessary, for overturning the Constitution which we had received by the solemn Act of the British Parliament. Except, indeed, for the encouragement which our apparently defenceless state has given to some lawless people on our frontier, it is perhaps not to be regretted that at so critical a period the inhabitants of Upper Canada should have been left to defend their country and institutions without the assistance of a military force, Your Majesty's Governor of this Province had ventured to give a manly and open support to British interests and principles; he had not distrusted the inclination of a loyal people to support the Throne, nor hesitated to refuse co-operating with those who were labouring to subvert our Government. By this natural and honourable course he had deprived agitation of its hope, and had given assurance and animation to the loyal. It was fortunate that an impressive example should be given of the soundness of a policy which had for its basis a firm reliance upon the wisdom and justice of British institutions, and a generous confidence that the people whom he governed had the sense to appreciate and the virtue to uphold them. No system of policy ever had a fairer trial; encouraged by the existence of rebellion in the adjoining Province, and hoping for aid from the people of a foreign state, the enemies of British rule ventured to throw off all disguise and to raise their traitorous arms against a Government to which they had sworn allegiance. But the effort was no sooner made than it was signally defeated; thousands of Your Majesty's subjects rushed instantly to the support of your Royal authority and of the laws, and in many of the most populous districts of this Province not
a single

a single individual was found to countenance the wicked and ungrateful attempt to separate this colony from the British Empire.

In the progress of these disturbances, however, an unlooked for danger suddenly discovered itself, of a much more formidable character than those which had been surmounted, and one that opens new and startling considerations to the inhabitants of this Colony and of the British Empire.

While Your Majesty's forces and your loyal subjects in Lower Canada were engaged in suppressing as causeless a rebellion as ever was fomented among a deluded people, we observed with astonishment, that in the adjacent parts of the United States of America undisguised efforts were made to create among the people a strong feeling in favour of the insurgents. Public meetings were held, in which it was declared that nothing more was intended than an expression of sympathy, but the results of such meetings went very far beyond this avowed intention. Arms were collected, and contributions of various kinds made, for the benefit of those who were in actual rebellion against their Sovereign; and, under the palpably disingenuous pretext of defending themselves against a people who never meditated an infringement of their rights, American citizens were seen rising in large bodies, and threatening the peace and security of a British Colony, regardless alike of the injunctions of their own Government and of the express provisions of their laws.

Upon the frontiers of this Province the inhabitants of several of the United States of America have carried their hostilities to a much greater length; and, while the relations of peace subsisted between the Republic and Great Britain, and when there remained not the slightest commotion among our people, they have not scrupled to arm themselves with artillery and weapons plundered from the public arsenals of their own country; and, remaining embodied for many weeks, have carried on a piratical warfare against this Province. Independently of those considerations of national honour and duty, which ought not to be without their weight in the United States of America, we cannot believe it possible that the Government or people of that country can desire to involve themselves in a war with Great Britain; and we will not, therefore, incur the hazard of doing injustice by charging them with insincerity, because this extraordinary and sudden outbreak was not more promptly curbed. It has indeed appeared to us, that a desire to vindicate their national character, to prevent their citizens from inflicting undeserved injury upon a friendly people, and to avert a war with an empire certainly too just and too powerful to be either hated or despised, might have furnished sufficient motives, both of morality and policy, for greater and more immediate exertion than appeared to be made; but we know too little of the difficulties which may have impeded the prompt interference of the Federal Government, to entitle us to conclude that nothing effectual was for a long time intended, because nothing effectual was done.

It cannot however, we are persuaded, be said with sincerity by any of the inhabitants of this Province, that the government of the State of New York has seemed to them to act, in the moment of anxiety and danger, with the firmness and good faith that befitted the occasion.

It is true that they condemned the outrages of which we complained; but, although these were of the most flagrant kind, they were nevertheless committed by their citizens in open day, in the presence of their public authorities; and though, in order to procure the means of accomplishing them, the arsenals of the state were plundered of artillery and arms, no attempt at energetic interference seemed to be made. The insult offered by their citizens to their own laws appeared to be patiently submitted to, while the injuries inflicted upon their neighbours were expected to be as patiently borne, and the vigilance that slumbered during repeated acts of aggression by their people, first showed itself in an exciting appeal against an act of self-defence on the part of this Province; which, when truly described, cannot be denied to be reasonable and just.

With respect to that portion of the American people who have taken a direct part in these hostile proceedings, nothing can be said that will in any degree palliate their conduct; nor will it be easy to wipe off the reproach which it brings upon their nation. Avowing, as they have done, their intention to divide among themselves the lands of this Province, they have confessed the principal object of their warfare to be plunder; but the more general impulse which has enlisted the aid of multitudes in their cause, is the declared desire to free the people of this Colony from subjection to Your Majesty, and to drive what they call the last relic of monarchical government from this continent.

It has astonished us to observe, with how little scruple these lawless citizens of the United States appear to proclaim and act upon the principle, that any rebellion of the subjects of a monarchy is proper to be encouraged as a struggle for freedom; as if it were an undeniable truth, that even a limited monarchy, however carefully balanced, is incompatible with liberty, and can only be submitted to by a people under restraint. They should show at least so much deference for the rights of their neighbours as to allow them to judge of matters which concern their own happiness and welfare: but, while they profess to value themselves chiefly upon having what they call a government of their own choice, they embark without hesitation in the intolerant attempt to impose, by force of arms, upon the people of Upper Canada, a form of government which it is perfectly evident they do not choose. Living upon the very frontiers of this Province, these people cannot be ignorant that the maintenance of our connexion with Great Britain, and an avowed preference for her laws and institutions, are the very points upon which our population have lately more than once rallied, and by an almost universal suffrage. With the spectacle before them of the whole male adult population of this country rising almost without exception, and arming themselves with eager resolution to support the authority of their Sovereign, they

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insist upon it that the wishes of a few fugitive traitors, whom they and some recreant British subjects in England have taken under their especial patronage, shall prevail over the almost universal desire of the people of Upper Canada.

When these citizens of the United States speak of bringing to us the boon of republican institutions, they seem to imagine that they will be regarded as offering to extend to the people of Upper Canada some newly discovered blessing, not considering that republics of the purest cast have been seen to run through the several stages of democracy, anarchy, and despotism, even before the commencement of the Christian era, and that too, in ages and countries renowned for philosophers and statesmen. They forgot also, that in our own generation, we have had an opportunity of observing in the fairest portion of the continent of Europe the same process, though not exactly in the same order, until at last, under the government of a limited monarch, comparative peace, justice, stability and repose have returned to a land which had been long desolated by the worst miseries of domestic and foreign war. When the people of a country profess it to be the fundamental principle of their own institutions that the will of the majority shall govern, and at the same time are seen rushing to arms for the purpose of enabling a feeble minority in a neighbouring province, with whose concerns they have nothing to do, to prevail against the will of the majority, we cannot fail to observe how nearly democracy is allied to tyranny, and how little it has changed its nature in modern times.

Nevertheless, it is with regret that we declare to Your Majesty, that powerful as may be the means which the United States possess, from their great population and wealth, of forcing upon your Majesty's subjects in these Colonies a form of government which their inclination, no less than their duty, leads them to reject, their ability successfully to resist it is in greater danger from another cause. We have observed with concern that among our fellow-subjects in the United Kingdom, there are many who have too readily taken up the opinion that in this new world, the forms and restraints of monarchical government must be distasteful to the people; that nothing but republican doctrines and practices can be congenial to the inhabitants of this continent; that all attempts to repress the supposed inclination in their favour are so many struggles against nature; and that in process of time, as our people become numerous, and can claim the privilege of being governed as they please, they will certainly insist upon becoming republicans.

There is nothing more evident than that these impressions, which we believe to prevail with many of our fellow-subjects in England, are erroneous, and the error is one which we fear may prove most injurious to our future happiness and security.

It has seemed to us on some occasions to paralyze the efforts of the undoubted friends of monarchy in the great council of the nation, and to cause the vindication of the principles of our constitution, when they are assailed in the Imperial Parliament, to be usually undertaken in a tone of despair, with so many concessions and qualifications as to what it may be necessary to surrender in future, and with so apparent a readiness to admit that other principles must be expected to prevail in time, that British subjects, really attached to their Government, seem to be enjoying their constitution only until the period shall come, when those in England, who seem habitually to distrust the wisdom and propriety of maintaining a monarchical government in these colonies shall have raised by their encouragement a sufficient number of advocates of other principles to warrant their giving to them their open and active support. It is with pain we state to Your Majesty, that not a few of the acts of the Colonial Department have seemed to us to be evidently influenced by this error which we deplore; and it is an error which we seriously fear may prove fatal to the connexion of these Provinces with Great Britain, and no less fatal to their own peace and welfare.

We have some hope, however, that what is now taking place in these Colonies may lead to sounder views; for a more striking and convincing testimony to the advantages of monarchical government, was perhaps never afforded, than may be gathered at this moment, by observing the conduct pursued and the sentiments expressed throughout the British North American provinces. In the midst of a struggle which still threatens to bring upon them the unequal force of the American republic, the people of these Colonies are not merely faithful to their Government, but they are animated by a zealous feeling of loyalty, which prompts them to undergo every privation and danger necessary to be encountered for supporting their constitution and laws. Living on the borders of a country where the great experiment of governing by the will of the people, or rather, of forbearing to govern in deference to their will, has been long tried on the largest scale, they have seen nothing to make them discontented with their own political condition; they feel themselves to be quite as free as the citizens of the neighbouring republic, and in many cases more so, and they believe that their form of government confers greater stability on their civil institutions, guards better their religious liberty, assures more power to the laws, protects life, reputation, liberty and property with greater steadiness and certainty, and insures the observance of a just respect for the rights of their neighbours, more effectually than can be done in any country where the popular will must govern, however irregularly exerted. They do, accordingly, prefer their own constitution, not coldly in the mere exercise of their judgment, but they defend it with an affectionate attachment which deserves the warmest encouragement and support of Your Majesty and of the British empire.

To say nothing of the Colony which we ourselves inhabit, we ask those who are either themselves insensible to these feelings, or who have falsely imagined that they could find no home on the North American continent, to look at this moment upon the noble provinces of Nova Scotia and New Brunswick, and to point out any portion of Your Majesty's United
Kingdoms,

Kingdoms, where veneration for the Throne and attachment to the principles which can alone support it, are avowed with greater earnestness and pride.

Your Majesty's loyal subjects in America see in the protection which a limited monarchy affords to rational liberty, such inestimable advantages as secure their most faithful devotion, although they are far removed from the immediate influence of an enlightened and benevolent aristocracy, and from the splendour which surrounds the presence of Royalty.

Their most anxious desire is, that they may be allowed to preserve this constitution unimpaired. They find it exposed to danger from two sources; first, to the danger of being gradually undermined by changes assented to by the Colonial Department in a mistaken spirit of concession; and, in the next place, to the danger which threatens at the same time our connexion with the British Crown, namely, the violent interference of the people of the United States in our concerns. With regard to the first danger, we respectfully entreat Your Majesty to consider, that the remedy lies entirely within Your Majesty's power; and we think we urge no unreasonable desire, when we earnestly implore Your Majesty that we may be secured against the risk of those principles, in which the strength and excellence of the British constitution consist, being surrendered from an unmanly fear, or from the rash attempt to create a new and better system of government than has been hitherto known to the subjects of Great Britain.

With respect to the second danger, your Majesty will learn with astonishment, that it becomes daily more alarming. Whatever may be the cause, the violation by the American people of their friendly relations with Your Majesty is so far from being effectually put down by the interference of their government, that their preparations to invade and plunder the Provinces of Canada are reported at this moment to be carried on more extensively and openly than ever. But in the midst of the excitement which their preparations have occasioned, we have received the cheering intelligence of the prompt and decisive exertions made by Your Majesty for our protection, for which we tender to your Majesty our most grateful thanks.

We have never allowed ourselves to doubt that if ever the period arrived when it should become a question, whether these valuable Colonies should be tamely suffered to be wrested from the British Crown, or whether Your Majesty's loyal subjects who inhabit them should be aided in their struggle to avert that calamity, the question would not be determined upon cold calculations of interest alone, but that other and nobler sentiments would govern the decision.

We rejoice to learn, that Your Majesty's Government and the people of the United Kingdom have no hesitation as to the part to be pursued; and in the generous exertion now made for maintaining the integrity of the empire, we behold the assurance of our future safety and peace.

The proof which is thus unequivocally given of the determination of Your Majesty to defend these Provinces effectually from injury and insult, will for the present, we trust, avert the calamities of war; but we earnestly entreat Your Majesty that the season of peace may be used for providing a more adequate security against a recurrence of such dangers as we have been lately exposed to.

The anxieties to which the events of the last three months have given rise have made us feel more sensibly than ever the great debt of gratitude which this country owes to the illustrious Duke of Wellington, whose patriotism prompted him to add to the defences of Canada by the construction of that noble work the Rideau Canal, which has secured the interior of this country to the extent of 200 miles, by providing a navigable channel removed from the frontier, and connecting us directly with whatever resources the fleets of Great Britain can supply.

We earnestly hope that the other defences which it was at one time intended to construct, for the protection of our frontier, may be now proceeded in, under the conviction that the want of such defences is almost certain to invite hostilities, which must lead to a national war.

In the present remarkable crisis of the affairs of this Province, we have united in a report which accompanies this address, stating the views entertained by the Legislative Council in regard to the general interests of the Colony. If in some points of great moment we have felt that our duty to Your Majesty and to our fellow subjects has required us to express opinions at variance with the policy which has been pursued by the Colonial Department, we have done so without regard to considerations of party, and in the confidence that we shall not offend by avowing the anxiety we feel to protect our constitution from injurious changes.

It cannot be doubted that the circumstances in which Lower Canada is placed will lead to the adoption of some measures which may very materially affect the future condition of this Colony; but though we cannot contemplate these probable changes without extreme anxiety, we feel in common with our fellow-subjects in Upper Canada the most unlimited confidence in Your Majesty's desire to consult our happiness and prosperity, and an entire reliance upon the wisdom of the Imperial Parliament for devising such measures as are best suited to remedy existing evils.

No important change, we feel assured, will be suffered to be made without an opportunity being first afforded to the inhabitants of this Province to make known their opinions and wishes; and when this has been done we are persuaded that all classes of Your Majesty's subjects will cheerfully abide by the decision.

We beg to express on this occasion our assurances of entire devotion to Your Majesty's person and Government.

Legislative Council Chamber,
28 February 1838.

J. B. Robinson,
Speaker.

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REPORT from the Select Committee of the Legislative Council of *Upper Canada*, on the state of the Province.

THE SELECT COMMITTEE appointed to inquire into, and report upon the state of the Province, have agreed to the following Report :

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The point of time in which this subject of inquiry has been submitted, is beyond comparison the most important to the future interests of its inhabitants of any that has occurred since Canada came under the dominion of the British Crown.

Some measures of a decisive character must, of necessity, be proposed in England, in consequence of recent events in this and the Lower Province; and upon the nature of those measures it depends whether Upper Canada is to be retained as a portion of the British dominions, and whether its inhabitants can look forward with confidence to a continuance of peace, and to the preservation of their present form of government.

In this very remarkable period in our history, the legislature has been suddenly convened in order to receive from his Excellency the Lieutenant-governor, an account of the suppression of an insurrection which was formidable in these several respects, viz. :—That it was not on account of any particular grievance or complaint, but had for its direct and avowed object the total subversion of the Government by an armed force, and the introduction of a democratic constitution; that among its leaders there were several Members of the House of Assembly; that efforts had been used to procure simultaneous risings in other parts of the province, and not without considerable success in the district of London; that the whole movement was clearly intended to be in co-operation with the rebellion which had broken out in the adjoining province; and that the insurgents reckoned upon foreign aid in their desperate enterprise, and not without reason, as events have proved.

By the prompt measures taken by his Excellency the Lieutenant-governor, by the zealous and faithful services of the militia, and the active exertions of people of all ranks and stations, this rebellion was speedily suppressed; and although many hundreds of the rebels were actually in arms in this district, and in the district of London, it was happily suppressed, almost without loss, on the part of Her Majesty's loyal subjects.

It is indeed evident that treasonable movements which had been long planned, and which were extensive in their character, were attempted to be put in execution prematurely, either from the fear that if deferred they were likely to be effectually counteracted, or from the temptation offered by some seeming and unexpected facility of carrying them at once into effect. It appears that the exigencies of the public service in Lower Canada having rendered it expedient to concentrate Her Majesty's regular forces at Montreal, his Excellency Sir Francis Head had no hesitation in complying with the request of Lieutenant-general Sir John Colborne, that the troops stationed in this province might be withdrawn; and the whole of the Queen's forces were without reserve sent to Lower Canada. It was not unknown that there were some restless agitators in this province, disaffected to the British Crown, who were industriously promoting the cause of rebellion, in appearance at least, by collecting and drilling parties of armed men in several quarters of the country, and particularly in the northern portions of the home district. Besides the information of these proceedings brought by the loyal inhabitants of the neighbourhood who were naturally alarmed by them, the movements of these traitors (for such they have since shown themselves to be) were openly proclaimed in seditious publications, with an evident design to force them upon the attention of the Government.

The first object of these unlawful meetings probably was to deter the Government from parting with the troops, by which means the double advantage would be gained, of serving the cause of the traitors in Lower Canada, and of exhibiting this province in the light of a disturbed country, which could be kept in order only by a military force.

After this object had been defeated by readily allowing all the troops to be withdrawn, the same illegal proceedings were continued, whether with the hope of creating a diversion of the forces from Lower Canada, or with the design of actually taking advantage of their absence, and endeavouring to subvert the Government, can now be best judged by the event.

It is not improbable, however, that one principal motive for this insulting display of armed force, was to drive the Government to the adoption of some precautionary measures, which might give to this province the appearance of being in a distracted state. By accomplishing this object the agitators knew that they would afford very acceptable encouragement to Mr. Hume, and one or two other accomplices in England, who have been adding to the difficulties of the Queen's Government, by shamefully abetting insurrection in Her colonies, and they may not improbably have hoped for some further advantage to their cause, by intimidating Her Majesty's ministers into unwise concessions, under the apprehension of new and formidable difficulties.

For reasons which have been stated to the legislature by his Excellency the Lieutenant-governor, these apparent preparations for revolt were long suffered to proceed, without an attempt being made to restrain them by public authority, until at length those who had a near opportunity of observing them being convinced that violence was intended, and apprehensions of this kind becoming very general, his Excellency issued a militia order,* directing officers commanding to call out their respective regiments, and to afford aid to the civil power in suppressing armed meetings.

This first signal of opposition on the part of the Government, seems to have incited the leader of the insurgents in this district to plunge his unhappy followers at once into crimes of the worst character; and there is abundant evidence that the plundering and burning of
this

* Appendix (A.)

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this populous town was really meditated, and was only averted, by the blessing of Providence, upon the prompt measures taken by a brave and loyal people for its defence.

It is impossible to recall to mind without emotion, the alacrity and zeal with which the people of this, and the surrounding districts, mustered instantly around their Government to shield it from outrage, and to extend their protection to their fellow-subjects whose lives and property were endangered.

Your Committee are persuaded that they do not over-rate the prompt exertion thus made when they state, that in each one of the Home, Newcastle, Gore, Niagara, and London districts, there turned out upon this sudden summons more than twice as many men as were necessary for suppressing the rebellious movement.

On the third day after the breaking out of the rebellion, many large bodies of militia which were hastening from a distance to the capital, were allowed to return home, as their services were no longer required,* and of those who had already arrived, a large portion (about 500 men) were detached to the district of London, under the command of Colonel M'Nab, the Speaker of the House of Assembly, whose services on that occasion were rendered with much zeal and discretion. This force so opportunely pushed forward, being aided by numerous bodies of volunteers from all parts of that extensive district, instantly dispersed a large party of armed traitors who had risen in that quarter, and were embodied under Charles Duncombe, a member of the House of Assembly, and an American by birth. There, as well as in the home district, besides the number of suspected persons who have been apprehended and brought before the civil power, by the aid of the militia, and of the other loyal inhabitants, many hundreds have come voluntarily forward, acknowledging their crime, and requesting the protection and forgiveness of their Government.

Thus in a very few days, with scarcely any loss of life on the part of the loyal inhabitants, and with but few of the insurgents killed, a rebellion was suppressed, which might in a short time have grown to be really formidable.

The hand of a merciful Providence was most signally displayed in a number of favourable circumstances, which it would be impiety to ascribe to chance, and which combined to give to the inhabitants of Toronto, at the hour of midnight, an opportunity to arm in their defence, and to make such preparation, under the direction of a most vigilant and gallant officer, Colonel Fitzgibbon, late Adjutant-general of militia, as served to avert the threatened danger. But in nothing perhaps has the goodness of Providence been more strikingly evident, than in the remarkable mildness of the weather, which at a season when navigation has usually been long closed, has permitted the uninterrupted use of steam-boats to the most distant ports on the lake, thus rendering easy and expeditious the transport of men and stores, and preventing the great suffering and inconvenience which must otherwise have attended this hasty assembling of large bodies of militia, from various parts of the province.

It cannot but be felt that this traitorous insurrection of a portion of the inhabitants of Upper Canada, is an event much to be regretted on some accounts. It has entailed upon the public a very formidable expense; an armed resistance to the Government, and still more, a direct attempt to overturn it, is pernicious as an example, and the sufferings occasioned by an enterprise of so criminal and desperate a nature to the guilty actors in it, and to their families, can hardly fail to excite compassion.

On the other hand, looking at its effects merely within the limits of this province, we must readily perceive that this extraordinary event is likely to be attended with some beneficial consequences of an important character.

Those restless and unprincipled agitators, who have for many years disturbed the public peace, and distracted the deliberations of the legislature, have either fled, or are imprisoned under charges of high treason. Left to themselves, unprovoked and perhaps for too long a time unresisted, this faction which has been patronized even by some Members of the Imperial Parliament, has at length unequivocally shown that their aim was to subvert the constitution which they had, most of them, sworn to maintain; to wrest this colony from the British Crown; and to substitute a turbulent and tyrannical democracy for our well-balanced form of Government. And they have given undeniable proof that in order to effect these objects, they were ready to rob, burn, murder and destroy.

One other beneficial consequence is the exposure of the innumerable falsehoods by which many were prevailed upon to take part in this abominable rebellion. These unhappy men remember by what pretences and assurances they were brought to commit their lives and fortunes to the hazard of success in this miserable cause. They now see how utterly false those pretences and assurances were, and it may be hoped that they, and others by their example, may be led to pause hereafter before they give credit to every base story that is told them, to the prejudice of their Government, and of its loyal supporters.

But there is nothing connected with this remarkable crisis upon which it is so satisfactory and pleasing to reflect, as the very striking proof it has afforded of the loyal and patriotic feeling of the great body of the people of Upper Canada. The instant it was known that the Government was threatened with violence, all distinctions of religion and country were laid aside, and with a noble ardour which can never be forgotten by those who witnessed it, the people rushed forward by thousands to put down rebellion, and to preserve the supremacy of the laws. While neither wealth nor station was felt to place the possessor above the common duty of opposing with arms this unnatural rebellion, the humblest inhabitant of the country gave also his services with cheerfulness; and none more so than the coloured population, whose brave, faithful, and steady conduct have entitled them to great credit. In the course of this service, and of the more arduous and protracted exertion which it has become necessary to make on our frontier, from causes to which we shall presently advert, it has been made most evident that Upper Canada possesses an inestimable advantage in the hardy, intelligent, and brave population which, for many years past, has been flowing to us

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from the United Kingdom. The loyalty of our native Canadians, which was conspicuous in the last war, is now aided by a host of spirited and zealous officers of all ranks, who have acquired experience in the army and navy of Great Britain, and by thousands of brave soldiers who have become settlers among us, and whose glory it is to devote their lives to the service of their Sovereign. With hands and hearts like these, a militia is soon rendered efficient and formidable; and it may be doubted whether any country, of equal population, has better materials for self-defence, than the province of Upper Canada. It is at least certain that no colony of Great Britain can ever have given a more decided proof of attachment to the Crown, and of a determination to support the constitution and laws. Absolutely destitute of military force of any description, in an extensive province, with nearly half a million of inhabitants, a rebellion, openly and actively supported by six or seven Members of the Assembly, and promoted by the most inflammatory appeals to the multitude in favour of popular government, has been promptly put down by the people themselves, at the same time that a formidable rebellion was raging in the adjoining colony.

Your Committee will not content themselves with a mere allusion to an event of such deep interest to the people of this province, as the recent insurrection in Lower Canada. In its progress and possible consequences Her Majesty's subjects in Upper Canada were directly concerned, and they have watched it with intense anxiety; it was not, as in this province, the consequence of the malice and folly of a few individuals influencing a comparatively small portion of the people. Feelings of national antipathy were brought into action, and large masses of the inhabitants excited to hatred of their rulers by incessant misrepresentations, were known to be preparing deliberately for a struggle, in which they hoped that their numbers would enable them to defy all the force which the Government had in their power to bring against them.

In no part of the British empire have the blessings of a mild and just government been more fully enjoyed than in Lower Canada, and it was no less amazing than it was deplorable, to find that a few selfish and violent men could succeed in plunging a people, long characterised as a peaceable and inoffensive peasantry, into the guilt and horrors of a civil war. It has been a distressing spectacle to their fellow-subjects, to see these unhappy men rush wickedly and wantonly into a contest, in which success, if it had been achieved, must have been utterly ruinous to themselves and their posterity.

Their rebellion, as they might have anticipated, has been promptly subdued by the commander of Her Majesty's forces, but not without a formidable resistance, in which the gallantry of the troops and of the loyal volunteers of Lower Canada has been conspicuous, and in which the rebels have sustained great loss of life and property.

It is essential to the safety and prosperity of Upper Canada, that the supremacy of Great Britain should be firmly maintained in the adjoining colony; and the common tie of allegiance to the Crown, as well as sympathy with those of British origin whom the French population have attempted to oppress and treat as aliens, have naturally enlisted the feelings of the people of this province strongly in favour of the Royal cause. Our zealous militia were, in consequence, forward in their offers to serve in aid of Her Majesty's forces in Lower Canada, but happily their services have not been necessary to any considerable extent.

It is a peculiar disadvantage under which these two colonies labour, that from the month of November to May, they can receive no reinforcements direct from England. The instigators of the rebellion in Lower Canada therefore chose the autumn for commencing their operations, evidently, and indeed avowedly, with a view to this circumstance. Their colleagues in the traitorous attempt to wrest these provinces from the dominion of their Sovereign, thought it advisable to prepare for rebellion in Upper Canada at the same season. But it is most cheering to find that instead of a struggle, protracted with difficulty until the opening of the St. Lawrence could bring fleets and armies to our aid, the Royal authority was speedily and fully established, and all traitors and abettors of treason brought under subjection to the laws in both provinces, so that with but a slender military force in the one country, and with the militia only in the other, there was not an individual in arms against the Government, and not a portion of either province in which legal process could not be executed by the ordinary means.

Still it is unhappily not in the power of the people of either of the Canadas to congratulate themselves upon the return to perfect peace and tranquillity, and this from a cause most unexpected and extraordinary, and which opens new considerations of such moment to our future security and welfare that they cannot be too earnestly dwelt upon.

Scarcely had the rebellion began in Lower Canada, when it was painfully evident that among the citizens of the adjacent State of Vermont, a strong disposition was felt to encourage and promote it. If we look for motives to this unfriendly conduct, we can find none that are entitled to the respect or indulgence of mankind. Living upon the borders of Canada, these foreigners could not be ignorant that her inhabitants were not oppressed, but had in fact been treated, not merely with scrupulous justice, but with an injudicious indulgence beyond the bounds of right, an indulgence which had in truth encouraged the insolence of their factious leaders, and had begotten a feeling of contempt for the authority of a Government which had suffered itself to be driven into such unwise concessions.

No reproach lies against the Government of the United States, nor against that intelligent and respectable portion of society, which in well-ordered communities usually influences public conduct and feeling in matters of grave importance to the State.

The Federal Government, and the Governor of the State of Vermont, both earnestly remonstrated with their people against any interference in the affairs of a country with which they were at peace; and there were not wanting men of sense and virtue who early and sensibly exposed the injustice and gross impropriety of stimulating rebellion in a British colony. But it was their mortification to find that the turbulent propensities of too many

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many of their countrymen were not under the government of reason, and that great numbers of their people, acknowledging no restraint of justice or morality, and disregarding the obligation of treaties, were giving an open and active support to the cause of rebellion in Lower Canada.

A portion of the public press in that State has not scrupled to promote it systematically, by disseminating throughout the period of this unhappy contest, statements of reported occurrences not merely untrue, but bearing not the slightest resemblance to truth; and no sooner has time exposed one series of fabrications than another equally monstrous has without scruple been issued from the press. Within a few hours journey of a country with which they are at peace, and enjoying an unrestricted freedom of intercourse, their press has attempted to impose upon the public credulity by accounts deliberately invented, of victories, defeats, and cruelties, all contrived to further the views of the rebels and their worthless leaders, until at last the truth becomes too manifest to be denied, and at the end of a contest in which they had declared that hundreds of the Queen's troops had been killed and taken, and repeated successes gained by the insurgents, it is ascertained that those who had been in arms against the Government are utterly dispersed, and their leaders fled or in custody; that the French population acknowledging their delusion are giving up their arms and submitting to the laws, and that the whole loss sustained by the Queen's forces and the loyal inhabitants of Lower Canada in suppressing this rebellion, of which the Vermont newspapers have given such startling accounts, does not exceed a dozen men killed.

For some years past, while the intemperate leaders of the faction in Lower Canada were threatening open resistance to the Government, it has been their habit to hold out to their followers the hope of assistance from the United States. This was little regarded by the British portion of the population, to whom such a hope, if indeed the faction did entertain it, seemed as insane as any other part of their project. The inhabitants of Vermont knew the people of Lower Canada to be in reality a highly favoured people; that they had been permitted to enjoy their ancient system of laws, with the additional protection of trial by jury; that their religion is not merely tolerated to the utmost extent, but is expressly established in all its rights by legislative enactments, and that they are more lightly taxed than the people of any of the United States, or perhaps any other civilized community in the world. Indeed to every intelligent man on this continent, the unreasonableness of the Canadians in rebelling against the indulgent and powerful Government of Great Britain, must have been quite as manifest as their absurdity.

The people of Vermont knew all this well, and they knew besides that the whole population speaking the English language, including many thousands born in the United States, were (with a very few exceptions) ardent and firm in the support of their Government, and that the threatened disturbances in Lower Canada had really no other origin than a national antipathy to the British name, in which the descendants of Britons should not have participated.

Whatever irregularities may sometimes be excited in populous cities, among multitudes of uneducated and unemployed poor, it seemed not credible that the agricultural population of Vermont would really be found ready to violate the plainest rules of national law and natural justice, and to add to the miseries of the human race, by urging on a rebellion as sinful as it was hopeless.

Contrary, however, to the injunctions of their Government, meetings were held, and were very numerously attended, for the professed purpose of rescuing the inhabitants of Canada from British tyranny; arms and ammunition have been furnished to assist them in their rebellion; and it seemed at one time that the spirit of volunteering for a campaign in Lower Canada was likely to become extremely popular, when it received a timely check from the gallant conduct of a party of Missisquoi militia, who attacked and routed a body of marauders of three times their number, taking their cannon and other arms which they had brought from the State of Vermont.

These extraordinary and unlooked for proceedings have but strengthened the preference felt by the British inhabitants of Canada for their own civil institutions, which neither encourage the inclination nor leave them the power so to violate the laws of good neighbourhood; and they have had the further effect of giving timely warning of a danger, which on any future occasion will be less formidable from its not being wholly unexpected.

The manifestations of the same hostile feeling have been more general and decisive along the frontiers of Upper Canada, and have led to more serious consequences. To such lengths indeed have these unprovoked aggressions been carried, that it has been stated, with as much truth as force, in one of the most respectable journals of the United States, that so outrageous a violation of public rights has not been witnessed by civilized nations for a century. Even with the lesson before us of what was passing on the borders of Lower Canada, we did not harbour the suspicion that upon the frontier of our own province we were destined to witness a display of the same unfriendly feeling, and the same remorseless readiness to involve a peaceable and unoffending country in the calamities of war. For more than 20 years, the inhabitants of Upper Canada have lived on terms of uninterrupted peace and friendship with the citizens of the adjoining State of New York. During that time, not a complaint has been made of a duty violated, or an act of comity neglected. Speaking the same language, we had lived in the daily interchange of the most friendly offices, and not a token had been shown of any unkindly disposition which might have put us on our guard. On our part, we had respected the American people for their enterprise and intelligence; we looked with no jealousy or apprehension on their increasing numbers; we believed that the growth of the Christian religion, not merely in profession, but in practice, was producing among them its genuine fruits, and that they were sincerely and essentially pacific.

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Sir F. B. Head to
Lord Glenelg,
12 March 1838.

Encl. 3, in No. 29.

It can scarcely be conceived with what astonishment the people of Upper Canada found, that after the feeble attempt of a few infatuated persons to disturb the peace of the country had been instantly put down by a simultaneous effort of their indignant fellow-subjects, when not a vestige of insubordination remained, and when the militia-men who had been called from their families were returning in supposed security to their homes, they were about to be forced into a war to prevent their property from being plundered, and their liberties subdued by the citizens of the United States.

It could not have been imagined that any considerable number could be found among our neighbours willing to make common cause with a fugitive felon, whose general bad character must have been perfectly well known to them, and who had the shameless effrontery to hold out as a reward the plunder of his fellow-subjects and the lands of his Sovereign, to whom he had solemnly sworn allegiance.

With regard to the great body of the people of the United States, it is impossible we can doubt that all who revere truth, and acknowledge the plainest obligations of morality, must look with abhorrence at the wrongs which their countrymen have been committing; and if the number of these is not sufficient to impose by their influence any restraint upon the lawless part of the community, it is no slight aggravation of the injuries we complain of, that they are committed under the pretext of bettering our condition, by forcing upon us a form of constitution of which such are the calamitous results.

It would be useless for your Committee to recapitulate facts so generally known in this province, and of so universal an interest that they have occupied public attention for the last two months, almost to the exclusion of every other matter. The preparations openly made in the State of New York for invading this province, and long unresisted by the public authorities, the recruiting of a large body of American citizens, under an American leader, avowedly for this piratical service, the collection of arms and artillery taken from the public arsenals, and at length the invasion and occupation of a part of our country on the Niagara frontier, are distinctly stated in the letters* of his Excellency the Lieutenant-governor to Her Majesty's minister at Washington, a copy of which we annex to this report. After the last of these communications was made, this piratical force repeatedly fired with their artillery upon the militia quartered near Chippewa, by which two or three militia-men have been killed; and until within a few days, it has been necessary to keep up a large force upon the frontier to prevent a landing at Chippewa, or at any other point along the river. The more active interposition of the American Government, since the arrival of Major-general Scott on the frontier, made it difficult for this armed band to continue longer embodied, and they have evacuated Navy Island, whether with the design of assembling again, and attempting an invasion at any other point, is yet uncertain.

On our western frontier movements of a still more threatening character have been made, and perhaps a grosser insult, or more flagrant wrong, was never committed by one people upon another, than that of which the town of Amherstburgh, in the western district of this province, was lately the scene. With artillery and arms, obtained also in this instance from the arsenals of the State (by plunder, as it is said), hundreds of American citizens, commanded and officered by Americans, unprovoked by a single offensive act, deliberately took up a position in our territory, and from an armed schooner in our waters, fired with round shot and cannister upon the town of Amherstburgh.

What was hoped for from this expedition will be seen in the printed proclamations of the leader of this invasion*; and it reflects infinite credit upon the spirit and loyalty of the inhabitants of that district, that they assembled with such arms as they were casually provided with, and, without artillery or the aid of a regular soldier, gave to these public robbers so timely a check, as we trust has opened their eyes to the danger of their proceedings, however regardless they may be of their criminality*.

Your Committee have annexed to this report an editorial article, from a paper published in Detroit, called the *Michigan Observer**, which is creditable to the feelings and moral courage of the American citizen who has dared to tell the truth in the midst of this extraordinary excitement. Besides the band there described as consisting of 1,000, or 1,200 men, it is known that at several points in the interior of the State of Michigan, forces have been collecting for the purpose of invading Upper Canada; and nothing but the admirable conduct of our militia, in assembling instantly at every point where an attack was threatened, has kept this hostile feeling in subjection. If a considerable success had been gained on any point of our frontier, there is great reason to believe that this abominable spirit which has agitated a portion of the American people, whether it be thirst for plunder, or a restless desire to extend the reign of licentiousness and anarchy over this continent, or a latent hatred of the British name, would have burst beyond any bounds which their Government had power to impose, and must have brought on a public war.

Upon the earnest remonstrances of Her Majesty's minister at Washington, the Government of the United States has at length taken the only measures likely to be effectual for quelling this piratical spirit, by sending to the frontier an experienced officer of high rank in their army, with orders to enforce their laws. New and more adequate powers have also been given by Congress; and we trust that, for the present at least, peace will soon be restored to our borders.

In looking back upon the past, what strikes your Committee as most remarkable is, that in the midst of profound peace and apparent friendship, such a burst of hostile feeling should instantaneously have shown itself, without any cause that could in the slightest degree excuse it; that in the first place the public authorities at Buffalo, and in the adjoining country, and afterwards the Government of the State of New York, should have appeared to be so utterly inefficient for restraining their citizens from acts of undisguised hostility, and for preventing their own public artillery and arms from being used in making war upon the

British

* Appendix (C.)

* Appendix (D.)

* Appendix (E.)

* Appendix (F.)

British dominions; that the Government of the United States should not have called more promptly into action the means most obvious to be used for preserving their national faith and honour; and that either the Government of the State of New York, or the Government of the United States, could have allowed themselves (as they both have done), to apply the foul epithets of assassination and murder to that natural and justifiable act of self-defence, which resulted in the destruction of the Caroline.

There have not been wanting in the halls of Congress, men just and honourable enough to place this transaction in its true light, and to avow what all must have felt, that the act was one which the laws of nature and of nations warranted, and which duty required.

That any executive officer of the United States could have done such violence to justice as to call it an assassination, can only be accounted for by supposing that in a time of strong excitement, it is found prudent, if not necessary, from the nature of their Government, that they should appear to kindle in the general blaze. The world will judge rightly in this matter between the American people and their insulted and deeply injured neighbours.

Your Committee have given this imperfect sketch of recent occurrences in these provinces, not with the hope that they can place before the Legislative Council any important information, which they had not before acquired, but principally in order to bring distinctly into view the trials to which the people of this province have lately been exposed, and the honourable manner in which they have passed through them.

The determination which the inhabitants of Upper Canada have shown, in the recent contest, to preserve their connexion with the empire, makes it the duty of the executive and legislative authorities, which have been constituted for their protection, to defend them as much as possible from any danger which may seem to threaten its continuance, and to secure for them with vigilance the enjoyment of that form of government for which they have shown so decided a preference.

The present posture of this province, and the events which have recently occurred, call our attention forcibly to two sources of danger:

1st. The present condition of affairs in Lower Canada; and,

2d. The readiness which the citizens of the United States have shown to afford active assistance to any portion of the population of these provinces who may choose, either with or without reason, to rebel against their Government.

With respect to the province of Lower Canada, we have not merely the motive of self-defence to engage us in an examination of the difficulties which now prevail there, but we are earnestly entreated by petition from our fellow-subjects in that colony, to interest ourselves in their adjustment*. The attempt to ascertain how these difficulties have arisen, should naturally precede the expression of any opinion as to the best method of removing them.

* Appendix (G.)

It is usual to condemn, in strong terms, the want of foresight of the British Government, in not having taken the most obvious measures for making the province of Quebec, after its conquest, at once and decidedly a British colony. What is meant by this is, that the English law, civil and criminal, should have been immediately established, and constantly maintained there; that all proceedings in the Legislature, and in courts of justice, should have been conducted in the English language alone, and that any peculiarities in the civil polity of the conquered people should have been wholly abolished. It is reasonable to suppose that such a course would, in progress of time, have made the Canadians more truly a British people; and though it would have done violence to national feelings and prejudices, which deserve to be treated with respect, yet it could not have been accounted unjust on the part of their conquerors, and few persons, probably, would hesitate to acknowledge, that their situation would have been greatly improved, by putting them perfectly on a footing with the other subjects of the British empire.

Still it is not surprising that the Canadians were indulgently allowed to retain their peculiar laws, and the use of their language in official acts, and in judicial proceedings. It arose, no doubt, from the circumstances of the time. At first, indeed, the English law, both civil and criminal, was introduced by Royal Proclamation, as a natural result of the conquest; and things continued on this footing from 1763 to 1774, when it was thought expedient to restore to them, by Act of Parliament, the enjoyment of their peculiar code of laws, "in all matters relating to property and civil rights*." This retracing of their steps by the British ministry, probably arose from observing that the French Canadians continued to be strongly attached to their former system, and from a conviction that it would be imprudent to leave them any strong ground for dissatisfaction, at the critical moment when the other colonies in America were evidently on the point of revolting from the mother country. What might have been the conduct of the Canadians under other treatment, we can only conjecture; but it is certain, that the efforts which were afterwards made by the revolted colonies, to allure them into their confederacy, were unsuccessful, and that in general the population of Lower Canada remained faithful to the Royal cause. The policy pursued by the Government was natural under the circumstances, and seems to afford no just cause of complaint, though its consequences at this day are, no doubt, to be regretted, as well on account of the Canadians themselves, as of their fellow-subjects of British birth; for unquestionably their system of land tenures, and their civil code in general, is much less calculated to advance the prosperity of the country, than the laws of England, which their prejudices have hitherto prevented the Legislature from adopting.

* 14 Geo. 3, c. 83

It is unnecessary to dwell upon the history of the colony before the period at which those questions arose that have led to the present difficulties. The matter which brought the Assembly, at an early day, into the most serious collision with the Executive Government, was the attempt made, during the administration of Sir James Craig, to give to a resolution of that body the force of law, in plain contravention of the terms of the Constitutional Act.

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A judge of the court of King's Bench was elected to the Assembly, a situation which he ought not to have desired, and to which the people, in the exercise of their discretion, should not have chosen him. Nevertheless, he was not ineligible, but clearly the contrary, under the express terms of the Constitutional Act, which makes all persons eligible, except those who labour under some one of the disqualifications which are set down in the statute, or who may be disqualified under the provisions of any Act which the Colonial Legislature should afterwards pass. Sir James Craig took the plain, undeniable ground, that the vote of one branch of the Legislature could not change the law, by creating a new disqualification; and he was undoubtedly right, in not suffering the constitution to be borne down, either by popular clamour, or by the encroachment of either House.

In expressing his entire willingness to join in a legislative enactment for effecting the desired object, he maintained the proper distinction between constitutional and arbitrary power; and if upon every important question, as it arose, the same course had been resolutely persevered in by the Government, not as a matter of choice, but as a duty, respect for the laws and constitution would have exercised a salutary influence upon the social system, and the bounds of right and wrong would have been earlier understood, and more contentedly observed.

The contest which had been occasioned by the attempt of the Assembly to carry this point, gave rise inevitably to some degree of irritation, which found, as is usual, in process of time other grievances to inflame it. The successor to Sir James Craig found the colony in a state not very tranquil, and he made unfortunately the first step in a false system of Colonial Government, by an extraordinary effort at conciliation. He appointed to the bench of justice some of the very persons whose political conduct had been most obnoxious in the time of his predecessor; thus showing that a path might be opened to the highest honours by a violent and factious opposition to the Crown.

The war with the United States of America engrossed the attention of the public during the remainder of Sir George Prevost's administration; and the civil affairs of the colony were so subordinate in interest to the military operations of that period, that he felt perhaps no immediate ill consequences of the dangerous example he had set in Colonial Government.

From this time, however, there has been but little cessation of acrimonious contest in the Assembly; and indeed that attendant upon the representative form of Government was nothing more than was to be looked for under any circumstances. Freedom of discussion on political questions soon leads to warmth and vehemence; and when this natural tendency is strengthened by the motives which private interest or ambition, or worse impulses, will readily supply, it should neither surprise individuals, nor terrify the Government, when they see attempts made to push the powers and privileges of the popular body beyond their due limit, either to gratify resentment, or to answer some more deliberate evil purpose. A Government at once prudent and firm would expect these excesses; and for the sake of the people would take care to prevent their endangering the existence of liberty, by confining each branch of the legislature resolutely within certain well-defined limits.

So long indeed as the Executive Government was to a reasonable degree independent, no fatal effect was likely to follow from such agitations. In the administration of Sir James Craig, the first attempt was made by the Assembly to obtain that unconstitutional control over the Executive Government of the colony which should bring every public interest under absolute subjection to their body. Up to that period the salaries of the Governor-general, of the judges, and of most of the indispensable public officers, had always been defrayed from the British Treasury, under a Parliamentary grant.

The Crown duties derived under the British statute, 14 Geo. 3, c. 88, together with the casual and territorial revenue of the King, received within the colony, were by no means sufficient, at that time, to supply these charges. But the revenue raised under provincial statutes was of such an amount as enabled the legislature, in the time of Sir James Craig, to undertake the payment of that portion of the civil list which the British Parliament had up to that period provided for. They proposed to do this, and although in the unimproved state of that colony, any revenue they could raise might have been most beneficially employed in opening and amending roads, and in other works of an indispensable nature, it is not surprising that the British Government should have been at any time willing to avail themselves of an offer to defray from it the expenses of the civil government of Lower Canada, rather than allow these to continue a charge upon the overburthened revenues of the nation.

But then the most scrupulous care ought to have been taken not to surrender the officers of the Crown imprudently into the hands of the Assembly, by leaving the provision for the civil list upon that footing that the whole, or any part of it, could be withheld whenever the Assembly might choose. Sir James Craig saw that the offer was not made in terms that would secure the Executive Government against this degrading and dangerous dependence, and he wisely declined it. But though the first offer was for this sound reason rejected, it was not easy to impress deeply enough upon the Government in England the necessity of keeping this important principle in view.

It was unhappily on a subsequent occasion lost sight of. The Parliamentary vote for the civil list was discontinued, and his Majesty's ministers were content that the Executive Government should depend upon the pleasure of the Assembly for furnishing annually those supplies which were necessary to its very existence. No security was exacted for the continued support of any one branch of the civil establishment: the chance that what the Assembly might do in one year, they, or another House, would not fail to do in the next, was unfortunately relied upon, and this important colony was left in a state, which in the democratic governments of America is felt to be incompatible with freedom. The Governor who was to enforce the civil authority, and the judges who were to administer the law, were left

left at the pleasure of a popular body, frequently renewed, who might curtail, or deny them their salaries as they chose. From that moment to the present, there has been neither peace nor satisfaction in the conduct of the affairs of the colony; no protection against the tyranny of faction, (which is the most unscrupulous of all tyranny,) and no adequate security for any principle or institution which the power of the Legislature could prostrate or undermine. The honour of the Crown; the independence of the courts of justice; the peace of the country, were by this abandonment of constitutional principle, placed under the direct and absolute control of a few ambitious and vindictive political leaders; and all the evils that have followed can be traced to this source. They have accumulated till they have produced rebellion, and have come near to entailing upon the empire the calamity of a foreign war; and it will be happy if the distressing consequences of this palpable error in policy have not raised in many thousands of minds, which could not under a more settled system have been dangerously agitated, an inextinguishable hatred of the British name.

It has put it in the power of the Assembly to exercise the most cruel oppression over individuals, and to subject the Government to numerous indignities; but what is infinitely more important, it has led to an acquiescence on the part of the Government in repeated violations of the constitution, and at last, because every thing that was asked by the Assembly was not surrendered, the Government was left for more than four years without the means of remunerating a single public servant for the duties he had discharged under the King's commission. Judges, councillors, every department of the civil government, including even the Governor himself, were during that period absolutely unprovided for, and were compelled to serve gratuitously, and to obtain their living as they could by other means, while a large balance of unappropriated money was lying in the provincial treasury. In bearing even this degrading consequence, rather than surrender the essential principles of the constitution, the Government chose the proper alternative; but it was in the last degree cruel that such a ruinous weight should have been allowed to fall upon individuals; and we believe that in no part of the civilized world, except perhaps in a few other British colonies, could such consequences have been made to follow a just and lawful resistance to the will of a popular body.

It could only have been under the difficulties produced by this unconstitutional and discreditable state of dependence, that the provincial government can have submitted, as they did, to allow the Assembly to expel a Member for giving his conscientious opinion as chairman of the bench of magistrates, when applied to by the Government for advice respecting the commission of the peace; to declare him to be, for that reason only, under a lasting disqualification to sit in the Assembly, and to expel him after repeated elections;—

To declare by their resolution that a Member appointed by the Crown to a seat in the Executive Council vacated his place in the Assembly, though it is plain that by the Constitutional Act no such consequence could follow, and that the Assembly were violating their charter by giving to their own vote the force of a law;—

To withhold at their arbitrary pleasure writs of election for supplying vacancies which they had themselves created in different counties, keeping such counties unrepresented for several sessions;—

To deprive certain offices of indispensable necessity of every shilling of emolument, by leaving them out of the bill of supply, for no other reason than that the persons filling them had openly, and in the exercise of their right as free men, expressed opinions adverse to the pretensions of the Assembly, upon public questions;—

To pay to themselves, by their own mere vote, such sums as they chose to allow themselves for their attendance in the Assembly, though the allowance was sanctioned by no law whatever, and although every shilling of the revenue which was applied in paying it was, by the statutes under which it was raised, expressly reserved to be disposed of by act of the Legislative Council and Assembly, assented to by the King;—

To pay out of the same revenue, by their own mere vote, large salaries to agents in England, appointed solely by themselves, whose chief employment was to vilify the other two branches of the Legislature, entitled equally with the Assembly to a voice in disposing of that money;—

To expunge from the Journals of the House a communication from the Secretary of State for the Colonies, in the name of their Sovereign, upon the affairs of the province, laid before them by His Majesty's command;—

To erase contemptuously from their Journals the speech of the representative of their Sovereign, pronounced from the throne, at the conclusion of a previous session;— *

*Appendix (H.)

To prorogue themselves when they pleased, departing to their homes with the avowed intention of putting an end to the session, and leaving the other two branches unable to proceed further in the public business, thus usurping one of the plainest prerogatives of the Crown.

If the ordinary and indispensable charges of the civil government had been placed, as the constitution of every well-governed country demands, beyond the reach of the mere caprice of one branch of the Legislature, some of these cases of gross injustice could never have occurred; and for all of them there was at least a powerful check provided, and within the exercise of the Royal prerogative, which your Committee presumes was not resorted to merely from the unwillingness to prejudice the chance of obtaining the annual supply, an object for which it seems to have been thought necessary to encounter almost any humiliation.

It is hardly necessary to remark, now that rebellion has just done its worst, that this series of concessions, with others that might be added to the list, failed wholly to conciliate the Assembly which extorted them. On the contrary it is plain that they only stimulated them

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them to urge more unreasonable claims, in the same violent tone which had been so successful; for they were no longer restrained by a feeling of respect for the other branches of the Legislature, whose rights they had been allowed so repeatedly to treat with contempt.

It is difficult indeed to understand what practical good could be expected to arise from meeting in session the same House of Assembly, which had expunged the speech of the King's representative from their Journals.

But even if there had appeared some ground of hope, that the Assembly could be won upon by these repeated sacrifices of principle, still the Government should not have felt themselves at liberty to make them. The benefit they were seeking in return was temporary; the inroads permitted to be made upon the constitution were likely to prove injurious for ever; and besides, there was a portion of the people which viewed such proceedings with alarm, and remonstrated earnestly against them; and however small their number in comparison with those who supported the Assembly, they were entitled to the utmost protection of their Government, because they had right and reason on their side.

But the apparent insensibility to the danger of placing the civil list within the annual control of the Assembly, was attended with a consequence far more injurious than any that has been noticed. It reduced the British Government to the necessity (in their opinion at least), of violating, in the most important particular, the constitution of the colony. Even so early as the time of Lord Bathurst, the Government of Lower Canada was in a state of such embarrassment and confusion, from the total failure of the Assembly to provide for the civil list, that Lord Dalhousie, then Governor-general, was directed to cause the necessary payments to be made from the provincial revenue, without the sanction of any Act of the Legislature. We do not say that this direct violation of the law of the province was, or could be justified by any necessity. On the contrary it would have been better, in our opinion, even to have repealed the constitutional charter, by the unquestionable authority of Parliament, than to suffer it to remain in full force, and at the same time to sanction its direct infringement by an Act of the Executive Government.

But the fact that the difficulties arising from the want of a settled provision for the ordinary expenses of the civil list, did lead the Government to adopt a measure so certain to be injurious to their character, and to the future peace of the colony, and to preclude all amicable intercourse between the Government and the Legislature, is of itself an unanswerable proof that it ought never to have been thought possible to leave the affairs of the colony upon such a footing.

There would be little satisfaction in bringing under review the series of perplexing difficulties into which the Government of the colony was thrown between 1817 and 1828, by this fruitful cause of disorder. Every year these difficulties increased, and the attempt to surmount them, and an honest desire to guard the constitution, and to protect against violence and insult the servants of the Crown and the supporters of British institutions, brought upon a benevolent and high-minded nobleman (Lord Dalhousie), a torrent of vile and unjust abuse, and a series of contemptible insults and persecutions, against which he was not sustained in a manner worthy of the great nation in whose service he was employed, and of his own high station and unblemished character.

In 1828, when the contentions we have described were at their height, petitions to the King, very numerous, were sent from Lower Canada, by agents who were employed to further the views of the petitioners. These were statements of grievances by opposing parties—on the one hand, the French Canadians, adopting the language and complaints of the Assembly, charged the Executive Government and the Legislative Council with many delinquencies: and on the other hand, the British and American population set forth evils, which they alleged they had suffered from the national prejudices, and the perverse conduct of the Assembly.

His Majesty's Government in England did neither deal with these petitions in the ordinary manner, by deciding upon their prayer according to the judgment, and of course upon the responsibility, of the proper Minister of the Crown; nor was recourse had to the undoubted power of Parliament for settling any of the contested points by a legislative enactment, but a middle course was taken, and one that, in its application to Canada at least, was perfectly novel.

A Select Committee was appointed in the House of Commons, on the motion of the Colonial Minister, for the comprehensive purpose of "inquiring into the Civil Government of Canada, and reporting their observations thereupon to the House." Having heard the statements of such persons acquainted with these provinces, as happened at the time to be accessible, and as they chose to call before them, this Committee made a Report, in which they discussed many of the points in controversy, and expressed an opinion upon them, though not in all cases definite and conclusive: adding, by way of summing up, that "the embarrassments and discontents which had long prevailed in the Canadas, were in a great measure to be traced to the manner in which the system of laws, and the established constitution had been administered."

It is not the intention of the Committee to enter into an examination of the opinions expressed, or of the advice offered in this Report of the Select Committee of the House of Commons, though such an examination might not be altogether unprofitable. The result of this proceeding was, that without any public discussion of this Report, or of the questions and interests which it involved, without even a motion for its adoption in the House of Commons, and without any investigation or expression of opinion by the House of Lords on any of the important topics it embraces, it has been avowedly advanced and relied upon by successive Secretaries of State, as a kind of settlement of Canadian politics, by which

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his Majesty's Government and these provinces, so far as the power of the executive extended, were to be hereafter bound.

Your Committee is aware, that to a great portion of the people of Canada this has always appeared to be a singular innovation in the colonial system.

The Ministers of the Crown are responsible to Parliament and to their Sovereign for their decisions and measures; they are open too at all times to the statements and vindications of persons whose conduct may be called in question, or whose interests are liable to be affected by their acts. The inhabitants of the Canadas are well aware, that besides their subjection to this constitutional power of the Executive Government, they are liable (and they acknowledge it without jealousy) to have their political condition regulated and altered in any manner that the supreme legislative authority of the empire may think fit. But they know also that the passing of an Act by the British Parliament implies an open, grave discussion of the questions involved, in two numerous assemblies, with all the advantages of the talent, sound judgment, experience and various information which are certain to be found there. It implies also the sanction of the Sovereign.

Here a third course has been adopted, which has given to the people of these great colonies neither the security of the responsible Ministers of the Crown, nor of the wisdom and justice of either House of Parliament, but which enables the colonial department to dispose of the most important and delicate questions of civil policy, by professing to conform scrupulously to a standard laid down by a Select Committee of the House of Commons.

It is to be considered that the Members of a Select Committee are named by the mover of it, that the selection may have been influenced by a knowledge of the sentiments of many of them, that it is no uncommon practice to place upon Committees, out of mere complaisance, or in order to give an appearance of impartiality, persons of extreme views in respect to the points at issue; and that it is by no means impossible that some of the gentlemen who may upon this occasion have entered warmly into the complaints of the Assembly of Lower Canada, may have been persons whose recommendation to their constituents for a seat in the House of Commons, was their declared hostility to principles which not only the King's Ministers, but a great majority of both Houses of Parliament, must feel themselves bound in duty to support.

When it is considered further, that the inquiry to be instituted was wholly within the discretion of the Committee as to the persons to be examined, and the questions to be asked, that with regard to one of the provinces, whose Executive Government was so decidedly censured, the examination was altogether *ex parte*, it being wholly unknown in Upper Canada that such an inquiry was intended; that this report passed, as it is said, only by a casting vote, and was never brought into public discussion even in the House to which it was addressed. When these things are considered, it can scarcely be expected that such a document can, with much satisfaction, be regarded by the people of Upper Canada as a sort of second charter, by which their most important interests are to be implicitly governed. They can feel no assurance that there are not in that report more than one principle assumed, and opinions expressed, which, if fairly discussed, might not meet with the concurrence of either House of Parliament; and is not probable that any one would willingly consent to have his private interests bound by the opinion of a majority of a Committee of the House of Commons, resulting from such an inquiry.

Your Committee further submit, that it is not unreasonable to look with distrust upon such a mode of adjusting the most important colonial interests, when it is considered, that although his Majesty's Secretary of State, professing to follow it implicitly as his guide, has given to the opponents of the colonial Government the full benefit of every relaxation which it recommends, there has been no scruple in departing from it in the contrary direction. In other words, it stands as a security for every suggested concession, but not as a security for those points which the Committee had recommended to be guarded against, popular encroachment.

For instance, the Committee recommends that the Governor, the Members of the Executive Council, and the Judges, should be secured in the receipt of their established salaries, before the duties levied under the statute 14 Geo. 3. should be surrendered to the Legislature.

His Majesty's Government has surrendered, in Lower Canada, the whole of these duties, without securing any salary whatever, either for the officers named, or for any other officers.

The Committee recommends that the casual and territorial revenues of the Crown should not be surrendered to the Legislature.

Her Majesty's Government seems eagerly desirous of making such a surrender, although it must necessarily deprive the Queen's representative in the colony of the power of doing a single act of grace or favour, or of charity, in the name of his Sovereign, or of meeting, otherwise than from his own private funds, any extraordinary and unforeseen disbursement which the exigencies of the public service, and, under some circumstances, the public safety may require him to provide for.

The Committee recommends that the King should retain the power in the colonies of removing a judge from his office, or in other words, that the commission should be to hold during pleasure.

The Government have not in this instance adhered to the report, but, on the contrary, have shown a strong disposition to render the judges independent of the Crown in both colonies, and in Upper Canada have assented to a measure for that purpose.

From what your Committee have stated, it cannot but appear, that the successive Ministers for the colonies, in professing to take this report for their guide, have substituted for their own responsibility the apparent sanction of Parliament, but in reality nothing more than the

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opinions of a majority of a Select Committee, unconfirmed by any other authority, and not subjected to the test of any public examination or discussion; and those opinions the result of an inquiry conducted without the knowledge of the Government whose conduct was implicated, or of the people whose most important public interests were concerned; and moreover, that the opinions of this Committee, while they are confidently relied upon as warranting to the full extent any concession which they recommend, are not allowed to interpose an obstacle to any concessions from which they have thought it prudent to withhold their sanction.

Whatever may have been expected from this report of the Committee of the House of Commons, it had no permanent effect in restoring tranquillity to Lower Canada, or in arresting the violent measures of the French Canadian leaders. They soon returned to their intemperate abuse of the Government, and in the midst of the outcry, Lord Dalhousie was removed.

A temporary calm followed, as is usual, the accession of the new Governor; but his administration was wholly unimportant as regarded the settlement of any question that had arisen between the Government and the Assembly. The only variety produced by the change was, that the outrageous abuse, of which the head of the Government had before been the principal object, was for a time distributed among his noble predecessor, the Legislative Council, and the King's Ministers. Things however began to revert to their former state, so soon as it became evident that the resolution of Sir James Kempt, to take nothing amiss from the Assembly, was not likely to lead the way to any decisive changes, and that his policy had no higher object than to save himself from the disaster of being thought an unpopular Governor, and from the annoyance of those brutal attacks which no firm friend of the constitution had the slightest prospect of escaping for any length of time.

The Assembly renounced none of their pretensions, and all that the new Governor gained by such concessions as were made, and by the sacrifice of feeling, which it must have cost him to listen with complacency to the most ungenerous calumnies upon his predecessor, mingled with compliments to himself, was the grant of an annual supply, so defective, and accompanied with conditions so objectionable, that his Majesty's Ministers expressed their regret that it had been accepted.

In the subsequent stages of their controversy with the Government, the Assembly soon took the more peremptory course of refusing absolutely to grant a shilling of supply for the support of the civil government, until certain radical changes should be made in the constitution.

Happily these desired concessions were so extensive that the British Parliament alone could grant them; and by making them nevertheless the condition on which alone they would enable the Government to pay its officers, and to defray the charge of administering justice, the Assembly compelled the adoption of some line of conduct for bringing the admissibility of their pretensions to a final decision. Perhaps, also, it is not to be regretted, that the necessity for this decision has been further hastened by what appears to have been an act of singular improvidence on the part of the Government in England.

Up to the year 1831, the Crown duties levied in Lower Canada under the British statute 14 Geo. 3, c. 88, enabled the Government to pay a very considerable portion of the civil list, and, at no distant period, they would probably have sufficed, in addition to the other crown revenue, to meet the whole charge. Those duties had been imposed by Parliament in 1774, as a substitute for other duties much more burthensome, which the Canadians at the time of the conquest were bound to pay, under an edict of the King of France. This appears upon the face of the British statute*, by which also the proceeds of the new duties are expressly directed to be applied, in the first place, towards defraying the expenses attending the administration of justice, and the support of the civil government within the colony, under the direction of the Lords Commissioners of the Treasury*.

This revenue had been for a long series of years received and applied in conformity to the statute, without question or complaint; and even after the Legislature had been allowed to assume the payment of those charges of the civil list, which the British Parliament had been accustomed to provide for, they expressly made their grant in such terms as showed their intention to be to make up the deficiency that might be required, after the application by the Crown of the duties levied under the statute 14 Geo. 3, thereby repeatedly acquiescing in the right of the Crown to make such application.

Nevertheless the Assembly did at length, among their grievances, complain that these duties were wrongfully withheld from their appropriation.

The British Parliament had by their Act 18 Geo. 3, c. 12, passed during the contest in America, declared that "they would not after the passing of that Act impose any duty payable in the colonies, except such as might be expedient for the regulation of commerce, and that the proceeds of any duties which might be imposed for that purpose should be subject to the appropriation of the colonial Legislature."

The Assembly contended that as this was a renunciation of the right to tax, it amounted there to a virtual repeal of the previous statute of 14 Geo. 3.

But on the other hand, it was to be considered that, as the 18 Geo. 3. was nothing more than a declaration of Parliament, that they would thereafter impose no duty, &c., it could not have the legal effect of abolishing a duty which had been imposed before; and more especially, when that duty was but a substitute for heavier duties which were in force in the colony when it was conquered, (among which was one of three per cent. *ad valorem* on all dry goods imported or exported,) and upon the legality of which the Canadians could raise no dispute; that the Crown officers in England had given an express opinion that the statute 14 Geo. 3. was not affected by 18 Geo. 3; that other British statutes anterior to 14 Geo. 3, imposing duties in this and in other colonies, stood upon the same footing, and were not complained of; that the

*14 Geo. 3, c. 83.

*Appendix (I.)

the proceeds of these duties were applied strictly to pay public charges of the colony, as the Assembly well knew, and such charges as the Assembly had by their Acts repeatedly recognised and sanctioned; and further, that the Assembly had in their Acts repeatedly recognised the appropriation of these duties by the Crown as rightful and legal.

This being the statement of the case, the utmost that could fairly have been expected by the Legislature was, that whenever they should make a reasonable provision for those charges which the 14 Geo. 3. now enabled the Government to meet, they might be allowed to appropriate the duties raised under that statute, or might obtain, if they preferred it, their total repeal.

The Committee of the House of Commons upon Canadian affairs, in 1828, took this view of the question, but they satisfied themselves with recommending that the Government should accept a provision for a very limited number of officers, viz. the Governor, the Judges, and the Members of the Executive Council.

In 1831, the Secretary of State, intending as it would at first appear, to act on this recommendation in respect to the relinquishment of the right to appropriate, but with a more cautious regard than the Committee had discovered to the necessity of maintaining the efficiency of the Government, directed the Governor of each of these provinces to inform the Legislature, that upon their providing more permanently than by annual vote, for certain public charges which were specified, (and which included more salaries than the Committee in 1828 thought it necessary to recommend,) the right to appropriate the duties raised under the statute 14 Geo. 3. would be transferred to them by an Act of the Imperial Parliament.

It is to be regretted that in a case where not law only, but reason and justice were so clearly on the side of the Government, they should have been content to stipulate for any thing less than the ordinary understood charges of the civil list, including the expense of administering justice, according to such estimates as the Legislature had in each province repeatedly sanctioned. Whatever in this respect was reasonable and necessary, from 1815 to 1830, in colonies increasing rapidly in population, could not become less so as these colonies advanced; but on the contrary, any civil list that would be reasonable at the current time, was certain to become inadequate to meet the wants of the public service as their condition expanded.

For the requisite means of meeting this increased charge, it might have been thought not imprudent to consent to depend on the Legislature; but it seemed neither just nor considerate in the Government to abandon unnecessarily to the result of annual discussions in the Assembly, numerous charges of the civil list, as indispensable, and as meritorious, as any of those for which they stipulated, although not annexed to offices of the same dignity.

If instead of proceeding as they did, the Government had on this occasion proposed to Parliament an Act, providing that whenever the duties under the 14 Geo. 3, c. 88, should produce a sum more than sufficient to defray certain necessary charges, which might have been specified, (and which should have been merely such as the Assembly had repeatedly voted,) then the excess should be placed at the disposal of the colonial Legislature; and that whenever the colonial Legislature should provide permanently, out of other funds, for the same charges, then the duties under the statute 14 Geo. 3. should cease altogether, such a measure could not have appeared unreasonable, nor would it have done any disservice to the Assembly to have thus placed out of their reach the temptation to disturb the peace of the colony, by such contests as have taken the place of all useful business for the last ten years, and have at length plunged their constituents into the guilt and misery of rebellion.

By thus obtaining a permanent provision for the administration of justice, and the ordinary charges of the civil list, the Government would only have been rendered as independent as it is in England, and in the republican States of America. How it could ever have been thought prudent or just to make it less so, it is not easy to understand.

But the extraordinary fact is, that the Government not only did not insist upon securing a reasonable and sufficient civil list, but they seem to have made up their minds to the fatal concession of surrendering to the Assembly the duties under the 14 Geo. 3, without insisting upon obtaining any equivalent whatever, and the measures pursued by them have ended in placing things in Lower Canada upon that ruinous footing.

While the 14 Geo. 3. remained yet unrepealed, the Secretary of State directed the Governor of each province to make a communication to the Legislature, offering to surrender the duties in question, and expressing a desire, that they would provide the usual salaries for the Governor, Judges, Members of the Executive Council, and several other officers. In Upper Canada the opportunity was first afforded of considering this proposition, and the discussion ended in a bill being passed establishing a permanent civil list, but very far short in amount of that suggested by the Secretary of State, and in fact giving little more than half of the compensation which had been asked, in return for the proposed surrender.

The Act was accepted however, and while not a shilling had yet been granted by the Legislature of Lower Canada, a bill was brought into Parliament for placing at the disposal of the Legislature in each colony their respecting proportions of the duties levied under the 14 Geo. 3. It was objected in the House of Lords by Earl Bathurst, and by the Duke of Wellington, that such a measure would reduce the civil government to a state of dependence on the Assembly, which would be utterly destructive of its character and efficiency, and would prove ruinous to the peace of the colony. They were answered by an assurance from his Majesty's Secretary of State for the colonies, that it was not intended to surrender the duties unconditionally, and on this explanation the bill was allowed to pass, not however with the assent of his grace the Duke of Wellington, who entered a protest* in language which

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which showed his perfect sense of the imprudence of the measure, and his patriotic desire to prevent the coming evil.

Whatever may have been the intention or understanding of Lord Goderich, the bill was in reality so framed, that it was a plain surrender to the colonial Legislatures of the monies raised under the statute 14 Geo. 3, without qualification or reserve. It was looked upon in no other light here or in Lower Canada; and when it became necessary for the British Government, as it soon did, to consider what was really the effect of their measure, it was found capable of no such construction as had been intimated, while it was under discussion in the House of Lords*.

The British Government having gone so far beyond the recommendation of the Canada Committee, as to surrender without equivalent the revenue which would have supported the most necessary offices, and rendered the administration of justice independent, it remained to be seen what would be the effect upon the Assembly of this romantic confidence in their liberality and sense of justice. The result, it need not be said, has disappointed the expectations of no one on this side of the Atlantic.

The Government having left itself without resource, has been left by the Assembly wholly destitute, and after four or five years of unmitigated insult and violence, without a single grateful return, or respectful expression, the Government has at length been compelled to pay its judges and other officers their large arrears of salaries out of the military chest of England, while a large amount of unappropriated monies is lying in the provincial treasury; and when the remedy which it is proposed to adopt for this inconvenience and injustice is considered, it will be seen at once how strangely inconsiderate has been the policy of the Government, in this very delicate and important matter.

The measure proposed by Lord John Russell's resolutions of 1837, is to take from the provincial treasury the money which the Assembly has declined to grant. The provincial statutes by which this money was raised, reserve the right of appropriating it expressly to the Legislature, and the taking it by any other authority is a direct violation of the law, and a plain infringement of the constitution. How much better would it have been to have exerted the firmness necessary to preserve what by law and in justice belonged to the Crown, than by tamely surrendering it to incur the necessity of dishonouring the Crown, and furnishing the Assembly, in the midst of their factious violence, with a ground of complaint, infinitely more substantial than all the grievances they had been inventing for years!

Far from being improved in temper and demeanour by the unlimited confidence that had been so incautiously placed in them, the Assembly became more rudely violent than ever; and instead of employing themselves in any thing useful to the colony, they proceeded from one intemperate act to another, till at last they impeached the Governor-general, the Legislative Council, and the King's Ministers, in ninety-two outrageous resolutions, such in matter and manner, as it might have been supposed would have discouraged any further attempts to cure the evils of Lower Canada by conciliating the Assembly. In one sense the course taken by the Assembly was honest, for in these resolutions they plainly announced to the King's Ministers, that they would do nothing that had been expected of them; that what they wanted was a republican government, which his Majesty might grant them if he pleased, but which they were resolved at all events to have, and if necessary, by rebellion, in which they doubted not they would be assisted by the United States.

After this declaration, it surely could not have been thought in England that there was any great mystery in the disorder which had deranged the state of the Government in Lower Canada; and it was expected, that his Majesty's Ministers would have repaired their error, by retracing at once their steps with regard to the Crown revenue, and repealing the Act which had been improvidently passed. But it was thought expedient first to send out a commission of inquiry to Lower Canada, and to remove the Governor-general, Lord Aylmer, against whom the Assembly had raised a clamour, as violent and indecent as it was evidently unjust.

With respect to the commission, it was not obvious what particular advantage could be expected from it, unless it had for its object the supporting the cause of truth and reason, by procuring the judgment, after inquiry on the spot, of some one or more public characters of acknowledged talents, commanding station, sound political principles, and enlarged experience. The weight which would have been conceded to such opinions might have warranted the expense and delay incurred by the inquiry. But the selection that was actually made did not offer the hope of any such advantage.

In the provinces of Canada, containing together a population nearly half as large as that of Scotland, various constitutional questions had been agitated, which in Lower Canada at least had arrayed a large portion of the people against their Government. If in any or all of these questions the Government really had right on their side, it might be desirable that an opinion to that effect should be given by some unbiassed judge of acknowledged competence; but how could it strengthen the Government in such a contest? or how could it tend to procure submission to any great public principle, to announce to the world that it had received the sanction of any or all of these Royal Commissioners? Their testimony, at least till they had acquired a known reputation, could weigh little or nothing in the balance against popular prejudice, while, on the other hand, the bare circumstance of their acting under the King's commission, was sufficient to give to the opinions of either of them, when they bore against the sound principles of the constitution, and supported the unreasonable desires of a discontented people, a very undue and injurious influence.

If one or more Commissioners, of known high character for sagacity and sound political views, had come to Lower Canada, armed with powers given by Parliament, to receive evidence on oath in support or refutation of any alleged cause of complaint, and bound to give

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give to the public officers who had been aspersed the opportunity of openly vindicating their conduct, some good might have arisen from the inquiry. But your Committee do not believe, that in the result of the proceedings of the Commissioners any advantage will be found that will at all compensate for the degree in which the honour of the Government has been compromised, by the measures which they adopted and advised. Their published reports do not affect to conceal their hopes and their attempts to win over, by other means than a plain and independent discharge of their duty, the individual members of a party, whose dishonourable want of fidelity to their Sovereign was then as certain and notorious as it has become since, although they had not so openly committed high treason.

Let any one who will submit to the disgusting drudgery, read through the ninety-two resolutions passed by the Assembly of Lower Canada: let him then consider that the known and avowed author of these resolutions was taken from the Assembly by my Lord Gosford, and placed, reeking, upon the bench of the highest court in the colony; there to administer justice in the name of the King of England: let him then imagine some one of the many poor, deluded wretches, who have been lately taken in arms against their Sovereign, brought before this judge, to answer for the treason; why should he not say boldly to the author of the ninety-two resolutions, show me what I have done, that you did not incite, and advise, and encourage me to do. If I am guilty of treason, a crime in which all that are concerned are principals, how can you be less so, who urged me to the act?

We are told on sacred authority, "that Governors are sent by the King for the punishment of evil-doers, and for the praise of them that do well." Lord Gosford does not appear to have understood this to be the object of his government.

After the Commissioners had closed their proceedings, the Government of the colony was directed to make a last attempt, in the face of insult and defiance, to procure from the Assembly some kind of supply for the exigencies of the public service. But happily, the Assembly were for no half measures; and finding, by the accidental publication of the Commissioners' instructions, that some of the essential principles of the constitution were not to be sacrificed, they disdained all soothing treatment, and would not grant even a temporary relief. It is well they did not; for the obtaining a defective bill of supply for the current year would have been of little value to any but the unpaid officers, and their creditors, while the Commissioners would have imagined, and probably led others to imagine, that they had really overcome those difficulties which had occasioned the recall of Lord Dalhousie and Lord Aylmer.

Nothing whatever was gained from the Assembly; and at last the British Government having recalled one Governor-general after another, and lavished upon the Assembly, to no purpose, expressions of confidence, which could scarcely have been sincere; and having promoted to offices of honour and trust, and even to the bench of justice, the most intemperate calumniators of the Government, have been reduced to the necessity of providing some remedy for evils which have at length become intolerable. Whether the remedy will be that, and only that, which was contemplated by the resolutions offered to Parliament by Lord John Russell, in the last session, we of course are ignorant. Recent occurrences in Lower Canada may incline the Government to propose something more decisive in its character.

It is impossible, in the opinion of your Committee, that any one conversant in the affairs of Lower Canada, can look upon the resolutions referred to, as pointing out a satisfactory course. They provide but for the present moment, and that in a manner most liable to exception; for clearly, the Government has no right, and none can be given to it, to take from the provincial treasury monies paid into it under Acts of the local Legislature—which Acts expressly reserve to that Legislature the exclusive right of appropriation.

The constitutional charter, under which the colonial Legislature acts, may undoubtedly be rescinded by Parliament; but while it is suffered to stand in force, it ought not to be violated. The case is not such as to require so desperate a remedy; and it is hardly possible, perhaps not possible, to conceive any case that would warrant it.

Throughout the extraordinary contests which have brought things to their present state, and during a long period of similar agitation in this province, which has been terminated by the firm and constitutional manner in which the government of the colony has been conducted, the friends of the Crown have had the mortification to observe an apparent want of confidence on the part of the British Government in their power to give effect to sound principles and views. It cannot be supposed that it can be the desire of any Minister of the Crown to substitute a republican form of government for that which we now enjoy; but nevertheless those who have been obviously, and indeed avowedly labouring to bring about such a change, have been suffered to proceed to extraordinary lengths unchecked; and we regret to add that they have, in many instances, met with no slight encouragement to persevere. Not merely have the patronage and countenance of the Crown been extended to persons distinguished by their violent and unjust opposition to the colonial Government, but successive Governors have been recalled just at the moment when they had acquired a knowledge of the real state of the country they were governing, and had learned the utter folly of concessions, which had no other effect than to weaken the authority of the Crown, and to add to the power and audacity of traitors in heart, who, presuming upon the want of energy and firmness in their rulers, have become traitors in fact.

It is alarming to reflect how little reason we have to doubt, from what we have witnessed for many years past, that if the leaders of the late rebellion in Lower Canada had been less bold and open in their defiance, if they had deferred their resort to arms, and had consented to employ a little of the management which it is avowed in the Report of the Royal

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Commissioners was resorted to by the Government, there is hardly any thing they could have desired which it seemed beyond their power to have obtained as a concession.

No one can read the Report of the Commissioners without being convinced that the protection of British principles and feelings in Lower Canada, is mainly to be ascribed to the insane violence of Mr. Papineau, which made him an impracticable person for the Royal Commissioners to treat with.

It is plain on the face of their Reports, that if the Commissioners, by the extraordinary direction which they gave to their civilities, and by the use they were willing to make of the patronage of the Crown, could have succeeded in getting any kind of supply voted, though but for a single year, they would have imagined they had achieved a decisive and valuable victory: when, in truth, nothing would have been gained that ought to have been considered an equivalent for the sacrifice of a single principle, or the admission of an unjust encroachment.

If the conduct of the inhabitants of the British North American colonies at the present eventful crisis, shall dispel an allusion which seems to have prevailed in England, that popular doctrines and movements cannot be safely withstood on this continent, however repugnant they may be to truth and reason, then we shall have gained something that may make our enjoyment of rational liberty more secure in future, than we have felt it to be in times past.

The party, in deference to which the Government has so long forborne to enforce its just rights, have at length tried their worst, and have shown so great a disproportion between their inclination and their ability to defy the Government of their Sovereign, as we trust may embolden the Ministers of the Crown hereafter to afford their assistance to their fellow-subjects in maintaining the royal authority.

As respects Lower Canada, circumstances are only so far changed by the rebellion that the necessity for coercive measures has become more apparent, and may be supposed to have been increased by the feeling which a resort to arms has inevitably given rise to. In effect that colony has been in a state of anarchy for two or three years past; and the question no longer is whether decisive measures shall be taken, but what those measures are to be. The safety of Upper Canada is directly concerned in the course that may be adopted, and your Committee will therefore venture to express such opinions as they have formed, in respect to the several remedies which they have heard suggested.

As the resolutions introduced by Lord John Russell, in the last session, make no provision against future difficulties, it would be of little use to discuss them.

By repealing the British statute which surrendered the King's right to appropriate the duties raised under the statute 14 Geo. 3, a revenue would revert to the Crown sufficient to meet the most important items of the civil list, and the casual and territorial revenue would afford a further resource, but fluctuating and uncertain in amount. The deficiency would be but a light burthen on the provincial revenue, for the difficulty hitherto has never been occasioned by the want of means, but by the determination of the Assembly to make their control over the ordinary expenditure of the Government the means of gratifying their resentments, and of overthrowing the constitution of the province.

With an abundant provincial treasury it would be unreasonable that the British nation should again assume those charges for the Canadian Government which at an early period were defrayed by Parliament; but either that must be done, or means must be taken to ensure the right application of so much of the provincial revenue as is necessary to maintain the Government.

If the present Assembly of Lower Canada were dissolved, and a new one chosen, the Legislature might be again convened, and plainly told, that unless they would provide permanently for the ordinary civil list, the colony must be governed in another form; and the alternative should not be proposed to them as an idle threat, but should be deliberately and firmly submitted to their choice.

Your Committee do not hesitate to say that a representative form of constitution should never have been conferred on any colony, until the administration of justice and the necessary charges for the civil government, had been so provided for as to secure them against the caprice of either branch of the Legislature, or at least the passing an Act for that purpose in the first session should have been the condition on which alone their charter should continue in force; and such an Act would be the best evidence a colony could give of its desire to guard the integrity of its institutions. The observation of what has passed in Lower Canada within the last 20 years can leave no doubt on this point.

The Assembly, under the guidance of two or three leaders, who have any thing in view but the public good, become involved in an altercation with the Governor. The only ground for the quarrel probably is that he feels it to be his duty, for the sake of the colony, to defend the constitution from popular encroachment.

In the hope of compelling him to yield, the Assembly refuses the supplies; this refusal occasions the greatest public inconvenience, and much distress to individuals. If it be repeated the next year the evil becomes almost intolerable. Of this the Government in England are easily made sensible; and looking unfortunately more to the effect than to the cause, they recall their Governor, not because he has done any thing wrong, but simply because he is in trouble.

His successor knows that the stumbling-block was the annual supply, and that it is expected of him that he will manage somehow to remove that difficulty.

The Assembly he concludes cannot be driven, but he flatters himself they may be persuaded; and as the well-disposed members of that body require no persuasion, and may safely be left to their sense of public duty, the effect is expected to be produced by extra-ordinary

ordinary deference and civility to the very persons who notoriously deserve least the respect or confidence of the Government. Those who have treated his predecessor with the greatest rudeness and injustice are the individuals whom it is most his care to conciliate.

Their public principles, and not unfrequently their private characters, make them by no means fit to be the chosen associates of the representative of our Sovereign. To be just to them, as to all others, is plainly a matter of duty—to treat them even with that courtesy which is observed towards strangers might not be improper, but to make them the particular objects of civility and favour, gives disgust to the respectable and well-affected portion of society, and brings the Government speedily into universal contempt. The policy, nevertheless, generally avails for one year, and with a Governor not particularly high-minded, it may last for two. The Assembly have at first a desire to mortify the Governor who has been recalled, by granting to his successor what they have withheld from him; then their hope of obtaining some important concession from their new Governor, before he understands his situation and duty, makes them extend the time a little longer; but two years can hardly pass before something is asked which the Governor either cannot or will not grant, and then begins with him the same course of treatment which enabled them to get rid of his predecessor.

They threaten to grant him no supply, and from that moment the choice is set before him of being added speedily to the list of displaced Governors, or of gaining at least a temporary reprieve by concessions. If he is firm his fate is certain; the Assembly will grant him no supply, and then, in order to make out a sufficient excuse for withholding it, they heap the most atrocious abuse upon their Governor. It matters not that his name was never before coupled with dishonour, that in the course of a long public service, and perhaps in the government of other colonies he has been respected and beloved; the generous nobleman and high-minded soldier finds himself suddenly held up to public odium as tyrannical, unjust, false, and perhaps even cowardly. Being vilified in the Assembly, and by a scurrilous press, he is concluded to be unpopular, and then his removal follows of course, when the succession of another Governor begins anew this game, by which every man in the community loses except a few political leaders, the greater number of whom perhaps are worthless and insignificant in all other respects, except from their power to do evil, which their seat in the Assembly gives them.

But we must remember that the temptation to Governors is in several respects strong, to avoid bringing things to this issue, by making any possible sacrifice; and the history of Lower Canada furnishes too many instances where this temptation has prevailed.

No constitution can stand long against the assaults to which it is exposed under such a system; and it is the interest of all classes of persons, who really believe that their form of Government is worth preserving, to secure it against the greatest danger it is exposed to, by relieving the executive departments from a state of ruinous dependence on the Assembly.

There is another evil consequence of this dependence in the temptation to which it exposes the public officers of the colony, to ingratiate themselves with the leaders of a faction who can measure out to them, or withhold their subsistence, as they please.

It may be imagined, perhaps, that however obvious these considerations may be to those who think deeply, and feel rightly on matters of colonial Government, yet that the multitude can never be taught to see and acknowledge their force, and that every advocate of popular rights would feel himself bound to resist the conclusions which your Committee have expressed. In order to afford rather a striking proof to the contrary, your Committee will append to this report* some passages upon this subject, in a printed letter of Mr. Hume's correspondent, Mr. W. L. Mackenzie, who has lately carried his factious opposition so far as to involve himself in the guilt of high treason.

*Appendix (L.)

In 1827, Mr. Mackenzie, desirous it seems for some purpose of attracting the favourable notice of Lord Dalhousie, addressed a letter to that nobleman, which was printed and published at the time, and in which it will be found that the evils of placing "the royal authority at the feet of a popular assembly, and of obliging the officers of Government to court their favour for their daily bread," and the conviction, that under such a system "no end to financial controversy will ever be found," are very forcibly dwelt upon.

Your Committee of course do not cite this on account of the respectability of the authority, but merely to show how sensible the bitterest enemies of the Government are of the degradation and destruction inseparable from such a system.

The British inhabitants of Lower Canada are strongly impressed with an opinion, that after all that has taken place, the removal of this difficulty respecting the civil list would not alone be sufficient, and that the province can not prosper unless some material change is made in its constitution. The French Canadians are not an enterprising people; they care little about commerce, and are not zealous promoters of public improvement; and besides this, it is said, that their laws and customs have an unfavourable tendency, and that their ignorance and national prejudices forbid all hope of amendment through the agency of the Legislature. A legislative union of the provinces is proposed and very earnestly pressed, as the most effectual remedy. It probably is desired by the British population of Lower Canada, with very few exceptions, and their desire is natural—they may gain much, and can scarcely lose by the change. The people of Upper Canada, on the other hand, would be committing much to hazard by the trial: they are happily not in that state that should make them indifferent to any dangerous experiment.

Hitherto a fear of ill consequences to themselves has prevented the inhabitants of Upper Canada from seconding the desires that have been expressed for a legislative union: the situation of Lower Canada is now such as calls for some important change; for it is, perhaps, not too much to say, that the laws no longer afford to the British population there suffi-

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*Appendix (M.)

*Appendix (N.)

cient security for their lives and properties. Although a strong military force must probably under any circumstances be maintained in Lower Canada for some time to come, yet that is not the resource that should be principally looked to for the future tranquillity of the province; and if it were certain that peace and safety can be no otherwise assured to our fellow-subjects there, than by the desired legislative union, then your Committee would not hesitate to say, that the people of Upper Canada should consent to that measure, as they should indeed to any other, that upon a deliberate consideration of the case may appear to Parliament to be most expedient.

In the session of last year the Legislative Council concurred with the Assembly in an address to his late Majesty, deprecating an union of these provinces, a copy of which address is subjoined*, and of the reply which his Majesty was graciously pleased to give to the same; in which reply the assurance is conveyed, "that the project of an union between the two provinces had not been contemplated by his Majesty, as fit to be recommended for the saction of Parliament*."

If the recent events in Lower Canada, which cannot be too much deplored, seem to present some arguments in favour of a legislative union, they appear to your Committee to suggest others of a contrary tendency, which it would not be safe to treat lightly.

The advantages which most readily occur are, that the union could scarcely fail to be favourable to the commercial interests of this province, and that it would increase our revenue, and enable us to advance more rapidly in some public improvements that are highly desirable. All such advantages however are dependent upon the continued tranquillity of the two provinces. In any scheme which your Committee have seen proposed for consideration, it is not explained upon what terms the union is to be carried into effect.

To have but one Legislature, with two executive Governments, would be in some respects inconvenient; and to have but one Government to rule so extensive a country, would not, as we apprehend, be found satisfactory or prudent.

But there are considerations of much greater moment than these, which it would not be advantageous at present to make the subjects of public discussion, but which incline us strongly to the conviction, that the social happiness of the people of Upper Canada, their internal peace, and the continuance of their connexion with Great Britain, are more secure under their present constitution, than they would be after the proposed union.

So far as we may be permitted to determine the question, upon a view of the interests of Upper Canada merely, our inclination is against the change; but if, without an union, the British population in Lower Canada cannot be secured in the enjoyment of British institutions, then of course it must follow, that the only question for consideration would be, the terms of the measure, and the fittest time for proposing it.

Your Committee forbear to enter upon a particular discussion of these points, because they cannot convince themselves that an union with Lower Canada alone would be safe or desirable for the inhabitants of this province. If a mature consideration of the present condition, and probable future state of Lower Canada, should seem to compel the Imperial Parliament to favour that project, there can be no doubt that ample opportunity will be afforded to the people of both provinces for offering any suggestions.

Another measure has been proposed, namely, the extending the limits of this province, so as to include the island of Montreal, and certain parts of the adjacent territory. There can be no doubt that this would be of incalculable advantage to Upper Canada, by giving her a port accessible from the ocean, and thus enabling her to raise a revenue commensurate with her wants. It would take from under the Government of Lower Canada, that portion of the population which has taken the lead in the late rebellious movement; and would place them under the influence of other laws and feelings, much to their own advantage, and to the benefit of both these colonies. The country which would then form the province of Lower Canada would neither be so likely to place itself in an attitude hostile to the mother country, nor would its hostility be so formidable: and under this arrangement, Quebec might continue, as it ought, to be the residence of the Governor-general. There are many advantages in favour of this plan, which, in the opinion of your Committee, should recommend it strongly to the notice of Her Majesty's Government.

There is yet another suggestion, which deserves at least to be kept in view, and that is an union of the British North American colonies, including perhaps among them, Newfoundland and Prince Edward Island. Quebec might be conveniently the head quarters of such a confederacy; the Legislature might meet in the summer; each colony might retain its own Legislature, for purposes purely local in their object, and all questions which could affect their relation to Great Britain or to each other might be settled in the united Legislature. There are many benefits which might fairly be expected from such a change, and they would be obtained without doing violence to any claims which the French Canadians may be disposed to rest upon numbers alone.

The progress of these colonies, as late events have shown, dispose and enable them more and more to manifest an interest in the affairs of each other, and to combine in maintaining their connexion with the empire, which all British subjects understand and feel to be indispensably necessary to their security and welfare.

Your Committee have merely alluded in general terms to these different schemes, without entering upon details, for they feel assured, that in a short time we shall receive some announcement of the course which Her Majesty's Government have thought it expedient to propose, upon the knowledge which they have acquired of the present condition of Lower Canada; and it will be more convenient to wait until this information reaches us. It is impossible to avoid looking with the greatest anxiety upon the present posture of affairs in that

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that colony, for in reality our safety is as much involved in the result as if we lived within its limits.

With respect to the other source of danger to this colony, of which we have lately been apprised, by the very extraordinary and unlooked-for occurrences upon our frontier, your Committee trusts that it may prove not unfortunate upon the whole, that the people of Upper Canada have been thus put upon their guard.

The steps which have been recently taken by the Government of the United States, show an earnest desire on their part to restrain their citizens from violating their amicable relations with Great Britain; but there still remains the question whether, upon this and future occasions, we shall be safe in relying upon the power of that Government to restrain its people from hostile aggressions upon the inhabitants of Upper Canada. So far as their inability to do this in the present instance may have proceeded from defects in the laws which Congress had passed upon this subject, there is every reason to suppose that the difficulty will be removed; but what we have witnessed forbids us to place entire confidence in the efficiency of any laws that may be enacted.

That the Government of the United States will in this respect desire to discharge its duty we may venture to anticipate, and it has been very satisfactorily shown upon the present occasion, that men of character throughout the United States, as well as the more respectable portion of the public press, are neither slow to perceive, nor backward in acknowledging, the line of conduct which it is the duty of their countrymen to adopt towards their neighbours in these colonies. Still we have received a very impressive warning that our best, if not our only adequate security will be found in being prepared to resist aggressions. We have seen the people in four of the States adjoining these provinces making open and active preparations for war against Canada, at a time when Great Britain was at peace within herself and with the whole world, and after it was perfectly well known that not an inhabitant of either province was in arms against his Sovereign. It becomes us, therefore, to consider what certainty we have that the Government of the United States could restrain their people from hostilities, if the disturbed state of Europe, or any other cause, should leave the British empire less at leisure, than it now is, to extend its protection to its remote dominions, or if unhappily a strong feeling of opposition to the Government should be excited within this colony, and should break out into acts of open resistance.

It may be difficult to secure this province effectually against the impressions which would be attempted to be made along its frontier by the armies of the United States in a public war; but the vast naval superiority of Britain, and the means it gives her of placing the acquisition of these colonies out of the reach of the United States, except at the price of the total loss of their trade, and the probable destruction of their commercial cities, seems to afford us a reasonable security against this danger.

The necessity, however, of placing the frontier in such a state of defence as will check any attempt at an irregular predatory warfare, such as has been attempted within the last two months, is too evident to require that it should be insisted on.

The illustrious Duke of Wellington had not long held a responsible station in the councils of his country, before he took the most energetic measures for securing the frontier of Upper Canada against invasion. Several experienced officers of engineers were sent to this province expressly to examine into and report upon the positions which it would be necessary to occupy with this view, and it is known, that, in consequence of this provident measure, steps were actually taken for commencing military works at two or three points on the frontier, which would have placed us beyond the reach of danger from any such attempts as have lately been made; but we lament to say that changes in England occasioned these measures to be abandoned after they were fully resolved upon, and steps taken for their accomplishment.

The inhabitants of this province require but arms and ammunition, and two or three rallying points on which they could form, to render them perfectly safe against any attack of so unprincipled and lawless a character as they have lately had to encounter; but from want of these advantages the danger has been so imminent upon the present occasion, that some temporary advantage might have been gained, which must have been attended with very serious consequences. We doubt not that there are in Upper Canada 50,000 militia, as willing and as able to defend their soil from invaders as any country can boast of. But to render this force serviceable, it is necessary that there should be two or three arsenals to which they may resort for arms and ammunition, and where they could assemble upon any sudden call of duty.

For want of these precautions, the whole western frontier of this province was for a considerable time almost utterly defenceless, under very critical circumstances. The people rushed in numbers to the frontier to meet a threatened invasion, but without arms in their hands, and without the means of procuring them when they arrived at the point of the expected attack. The invaders from the State of Michigan, took possession of an island in the river Detroit, and with an armed schooner began to batter the town of Amherstburgh, as we have already stated. The next day, under cover of their guns, a landing was to have been made upon our main shore. The loyal and gallant people who were assembled in haste to meet the invaders were but half armed; and they knew the discouraging fact, that there was not a field-piece of any description within nearly 300 miles of them. If their zeal had not prompted them to supply themselves with artillery and arms, by making a very spirited and successful attack upon their enemy, it is by no means improbable that such an impression might have been made upon our western frontier as would have given immediately a very serious character to the contest, and might have led inevitably to a national war.

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Your Committee cannot avoid, on this occasion, referring to the fact, that the small garrisons which for forty years had been maintained at Fort Niagara and at Amherstburgh, have within the last two or three years been withdrawn: and a frontier of three hundred miles, bordering upon a foreign country, left for the first time without the presence of a British soldier. We have reason to believe, that this step was by no means approved of by the experienced officer who commanded the forces in this province; and independently of many other considerations which made it unadvisable to abolish these military stations, what has recently occurred has proved most clearly, that if economy led to the arrangement, as a measure of reduction, this attempt to effect a saving has proved most unfortunate. The presence of a company of regular soldiers, with half a dozen artillery-men, would most probably have prevented those proceedings among our neighbours, which are now rendering necessary an immense expenditure, such we fear as will be found to go very far beyond any saving which could have been hoped for from this unfortunate reduction.

We trust these posts will be immediately re-established, and that the Government of the mother country will take such steps in consequence of what has happened, and is still going on, as will prove unequivocally a resolution to defend this portion of Her Majesty's dominions against foreign enemies and domestic traitors, and to aid the people of Upper Canada in maintaining that connexion with the British empire, to which they have shown themselves so devotedly attached.

It seems astonishing, at the first view, that a few hundreds of persons in this province, and a few thousands in Lower Canada, without leaders of military skill or experience, and without resources, should have embarked in an undertaking so utterly hopeless, as the attempt to wrest these colonies from the dominion of Great Britain.

The fortress of Quebec commands the passage to the ocean. It would defy the valour and skill of an European enemy. How, then, were they to pull down the British standard, which waves over its citadel?—how could they expect to encounter, with success, the fleets and armies of England, which have proved an over-match for the world? They reckoned, as we know, upon the people of the United States for assistance. But were the people of that republic prepared again to commit their safety and prosperity to the chances of war, in a second attempt to possess themselves of Canada, and at a time when Great Britain had no other employment for her vast national strength than to guard with it the integrity of her own dominions?

Many of the people of these States, as we have found to our cost, were indeed rash enough to engage in this adventure. They could really hope, it seems, that by such a war as a few traitors in these colonies could carry on, aided by a portion of the people of the United States, but without the countenance, and of course without the resources of their Government, a dominion could be torn from under the sway of the British sceptre, which, when it was acquired by the valour of Wolf, was hailed by the British nation as one of the noblest conquests that had ever crowned their arms.

All this, indeed, looks like insanity; but it admits of a very rational explanation; and no intelligent person in these provinces is at a loss to account for it. The solution is this:—Neither the rebels in these provinces, nor their American auxiliaries, thought it by any means certain that the British Government would make the exertion necessary for retaining these colonies. They persuaded themselves, on the contrary, that they would not; and although we are convinced that they have erred in their judgment, they have seen much to encourage them to come to that conclusion. They have, for many years past, observed some of the most influential journals in the mother country denouncing the impolicy of retaining the Canadas, and, upon a cold calculation of interest, recommending that they should be cast adrift, and allowed to govern themselves, or turned over to the United States, upon the best bargain that could be made for them; they have seen a British subject, the Member for the Metropolitan county of England, exhorting the people of Canada to throw off “the baneful domination” of Great Britain, and holding up to them, for their imitation, the example of the revolted colonies in 1776;* they have seen those persons in the colonies, who were manifestly co-operating with him in this treasonable design, countenanced, encouraged and promoted by the Government; they have noticed, upon almost every occasion for many years past, when the public affairs of these provinces have been discussed in Parliament, a want of firmness on the part of the Ministers of the Crown in declaring their determination to maintain British authority and British institutions in their American colonies, and an apparent anxiety to admit, as a sort of test of liberality, that sooner or later changes must be made, which, it is clear, would prove destructive of both; they have observed a cautious withholding of that assurance of support to the loyal people of these colonies, which would at once have convinced the disaffected that their object was unattainable; and they have read declarations openly made to a Committee of the House of Commons, by a gentleman in the colonial department, who, from his station and duties, has properly exercised, and still exercises as great an influence in the Government of the American colonies, as any other individual in the empire, in which declaration the positions are advanced, that allegiance to the British Crown must be expected to be regarded in Canada, rather as a sentiment than a duty; that no fear of the power of Great Britain can reasonably be entertained by its inhabitants; that “revolt against European dominion, cannot be considered any where upon the continent of America as criminal or disgraceful; and that it can be regarded as no enviable distinction to be the only dependent portion of the New World:” from all which it would follow, that rebellion in Canada would be merely matter of taste; that it would be a safe experiment so far as British power is concerned; that it could neither be looked upon as wrong, nor disreputable; and that, in fact, it will be rather a reflection upon the spirit of the people of Canada, if they remain attached to the British Crown longer than they can help.

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* Appendix (O.)

It is fit the British nation should know, that the feelings and consciences of the great mass of the people of Upper Canada revolt against these sentiments; that they do consider it their most enviable distinction, that they form part of the British empire; that republican institutions cannot be imposed upon them, while they have the means of resisting them by any sacrifice of life or property; and that whenever it may be attempted to make their soil a land of aliens to the British Crown, they will appeal to the Government which planted them there for protection and support; and they will appeal with the most perfect confidence, that that support can never, in the hour of trial, be denied to them.

The inhabitants of Canada do not believe, that any Government can take the fearful responsibility with the people of England of abandoning provinces whose commerce employs annually 1,200 British ships; and they feel that while they are ready with their lives to maintain their allegiance to the Crown, they have the same right to its protection, as if they trod the soil of Great Britain, or of Ireland. Whenever it may come to the trial, they know that they will not be left to struggle alone; that humanity, the ties of kindred, the sense of national honour, will alike forbid it; and that their fellow-subjects at home cannot, and will not submit, to see them torn from the British empire while it has strength to defend them. For her own sake then, as well as for the sake of the people of these provinces, and for the peace of the world, it is above all things desirable that there should no longer be room for any misconception on this point. Twenty millions of money have, in a spirit of generous philanthropy, been devoted by Great Britain to the redemption of the coloured inhabitants of her West India Islands from a state of slavery; that however was a slavery regulated and mitigated by law. One million applied, as the noble Duke of Wellington was proceeding to apply it, ten years ago, would have secured a greater number of the free subjects of Britain in the Canadas, against all fear of that worst bondage, a subjection to hordes of foreign outlaws, who have grown up in the habitual disregard of those restraints which are necessary to insure liberty, and every other blessing that distinguishes civilized society.

Your Committee have been led to discuss so much at large those subjects which engross attention at the present moment, that they can scarcely do more than allude to some other matters, which are too important, nevertheless, to be wholly omitted, in a review of the political state of this province.

It is in their opinion exceedingly to be regretted, that the questions which have been agitated respecting the clergy reserves are still open, and apparently with as little prospect of a final settlement as at any former period. It is not surprising that Her Majesty's Government should be reluctant to undertake the task of endeavouring to bring these questions to a satisfactory decision, and that they should persevere in attempting to gain that desirable object through the intervention of the Provincial Legislature; for it is natural to suppose, that the advantage of more accurate local information should enable us to encounter the difficulty with greater convenience, and with better hopes of success. But we apprehend, that although the wish to see the question settled is almost universal in this province, there is, from various causes, but slender ground for believing that the Legislature will be able to concur in any satisfactory course.

Your Committee has no doubt that the Legislative Council still adheres to the general view taken by them of this important subject in the session of 1835, when it received their particular attention. It was then suggested by the Council, that before any legislation should take place respecting the reserves, it would be desirable to bring the legal rights of the respective claimants to the test of the most satisfactory judicial decision, which might be done by submitting the true construction and effect of the British statute, 31 Geo. 3, c. 31, to the consideration of the Judicial Committee of the Privy Council. After the right to the reserved lands, under the existing law, shall have been thus declared, or if Her Majesty shall think it inexpedient to make the reference, your Committee has no doubt that the Legislative Council will in either case concur in an enactment for putting it in the power of Her Majesty, or of the Imperial Parliament, to reconsider this great question, and to make such disposition of the clergy reserves as may appear just and right, provided that they shall be exclusively devoted to the maintenance of public worship, and the support of religion within the province. It is most earnestly to be desired, that the discussions and expectations upon this subject should be brought speedily to a close by some final measure, for it is painful to observe their tendency to produce bitterness of feeling among the different religious denominations, and to place in unfriendly opposition to each other, men who would be otherwise united in maintaining a just respect for our Government and laws.

There is another subject to which your Committee do not feel that they can properly forbear alluding, viz., the present condition of this province in respect to its finances. It is plain that the Legislature, in its great anxiety to advance the interests of commerce and agriculture, have gone to the very utmost limit of our resources, and have pledged the credit of Upper Canada to such an extent, that any temporary interruption or diminution of our revenue must lead to embarrassing results, unless a speedy remedy shall be applied. The experience of the present time must convince us that it is not safe to proceed upon calculations, which make no allowance for such political reverses as are now occasioned by the state of Lower Canada, and its probable consequences to our commerce. The first object of the Legislature will doubtless be to provide for maintaining the credit of the province unimpaired, by ensuring the punctual payment of interest upon the public debt; and your Committee is aware that the Legislative Council will be most anxious to concur with the House of Assembly in whatever measures may be best suited to this purpose. The next consideration is, the expediency of exercising a more cautious circumspection hereafter in adding to the debt of this colony. It is true that the great public works in which Upper Canada has so early engaged, are highly creditable to the enterprise of her people;

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people; and there can be no doubt that the rapid increase of population and wealth, will soon enable us to rise above any temporary pressure that may be occasioned by too eager an anticipation of our resources. But your Committee most earnestly hope that our increase of revenue may be so husbanded in future, that we shall have the cheering prospect of gradual relief from an incumbrance, which is certainly disproportioned to the present state of this province.

In remarking upon the confusion and difficulty which have arisen in Lower Canada, from the want of a permanent provision for the civil list, your Committee did not forget that the Executive Government of this province, although not left in the same state of total dependence, is still subject to be reduced at any time to the most serious difficulties, by the failure of the Legislature to vote the ordinary supplies. There are many important charges of the civil list which were not provided for when the duties levied under the 14 Geo. 3 were surrendered, and for which an annual vote is now necessary. This supply cannot be withheld, without producing great public inconvenience, and much injustice to the servants of the Crown; but it is scarcely necessary to state, that they were nevertheless withheld upon a late occasion, merely because the Executive Government and the Legislative Council would not give way upon points of vital importance to the peace and welfare of the colony.

The means of exercising so unfair a check in the administration of public affairs, may prove in time destructive of the balance of our constitution; and it will inevitably lead to frequent interruptions of the harmony of the Legislature. Upon the occasion alluded to, a dissolution of the Assembly was felt to be the necessary consequence; but your Committee need hardly observe that an effectual remedy is not always certain to be obtained by taking that course.

The willingness, or rather indeed the desire, lately shown by Her Majesty's Government, to surrender to the provincial legislature the casual and territorial revenue of the Crown, and the management and disposal of the Crown lands, is strikingly at variance with the policy which had ever before been constantly maintained in these colonies. Your Committee cannot now conveniently enter into a discussion of the principles involved in these very important changes; but they are far from being impressed with the conviction that such a relinquishment of the just rights and prerogatives of the Crown will contribute to the welfare of the colony. It may be said that attacks, whether just or unjust, are always likely to be directed against the Government, on account of the appropriation of these revenues; but that does not afford a sufficient reason for transferring to the Legislature what unquestionably belongs to the Crown; and the policy of making such concessions, seems not more wise than would be the conduct of an officer, who being entrusted with the defence of a fortress, should employ himself in pulling down the walls, in order that there might be nothing left to fire at.

Nothing has yet been said by your Committee upon the subject of that proposition for a radical change in the constitution of the Canadas which has been much discussed of late years, and which the leaders of the Assembly, in the lower province particularly, have insisted upon with the most unreasonable violence; we mean the desire to make the Legislative Council an elective body. Since it has now become apparent that separation from the mother country was the object which these political leaders had really in view, it is not surprising that their efforts should have been mainly directed to the destruction of that barrier, which the Legislative Council must ever present to such treasonable projects, so long as its members are selected by the Crown from among the most loyal, intelligent, and respectable inhabitants of the colony. The value of this security has been felt by all who duly appreciate the blessings of good government, and who desire to maintain the connexion of these provinces with the empire. Although it seemed evident that any ill-advised change in this respect, made in one colony, was likely to be extended with little delay to the other, yet the people of this province have felt no very serious alarm on this subject, because they saw with satisfaction that the opinion of the Secretary of State for the Colonies was decidedly opposed to that ruinous innovation; so much so indeed, that the proposition was declared to be one which it could scarcely be considered proper to discuss. It was not altogether without apprehension, however, that in the official communications of the late Governor-general, and of the Royal Commissioners, some encouragement was observed to be afterwards afforded for looking for concession even upon this point. Late events, we trust, have put it out of the question, that any policy so destructive of British supremacy can ever be adopted; and it is only to be lamented, that it has not been always consistently and firmly declared, that so long as these provinces remain colonies of Great Britain, their Legislative Councils will undoubtedly be composed of members appointed for life by the Crown.

While your Committee have been engaged in preparing this report, the unlooked-for intelligence has been received, that his Excellency Sir Francis Head is to be succeeded in the Government of this province by Major-general Sir George Arthur, whose arrival may be daily expected.

It is just two years since the removal of his Excellency Sir John Colborne was as suddenly announced, and in both instances the change in the administration of the Government has been made under circumstances, that have not failed to excite very serious apprehension in the minds of all persons who are well affected to our Government, and desirous of preserving the connexion of Upper Canada with the British empire. We are aware that in each case the Lieutenant-governor is said to have resigned; but we are also

aware

aware, that each of these distinguished public officers is possessed of an energy and firmness of character, that would have prevented his retiring from the Government in a time of difficulty, from a regard to any personal consideration; and we know that at the moment of their desiring to be removed from the province, they stood high in the affections of the people whom they governed, and that there prevailed in the breast of every loyal inhabitant of both provinces of Canada, the utmost confidence in their political sentiments and views, and the fullest conviction that under their administration the enemies of the Crown would receive neither countenance nor support.

It is quite apparent, from the circumstances attending the hasty removal of Sir John Colborne, either that some unaccountable misapprehension existed with regard to the actual state of public feeling in Upper Canada, or that the policy which that distinguished officer was pursuing did not meet the support of his Majesty's Government. It will be difficult to persuade the people of this province that the same causes have not led to the departure of Sir Francis Head; and when they have seen and felt that the effect of the conduct, which seems to have been thus discountenanced and discouraged, has been to produce in this colony a most decided, and almost universal support of British principles, they cannot but feel a very natural apprehension for the preservation of their constitution, and of their continued connexion with the parent state.

If these sudden changes, so injurious to the stability, and indeed to the dignity of the Government, and so dangerous to the public tranquillity, are to be ascribed to an impression prevailing in any quarter, that the opponents of monarchical institutions are those whom it is most prudent to conciliate, and that to that end the characters and feelings of the most attached subjects of the Crown must, for political expediency, be sacrificed, then we trust that the events of the last three months will correct this error, and may lead to the adoption of a course more generous and just. If it be possible that there can be in any quarter a desire to make Upper Canada the theatre for an experiment of principles, which it may be falsely imagined are more liberal and free than those secured by our present constitution, we earnestly hope that the wisdom of Parliament, and the good sense of the British nation, will rescue us in time from the danger which threatens our liberty and peace.

(signed) *William Dickson,
James Gordon,
John Macaulay.*

Committee Room, Legislative Council,
13 February 1838.

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Lord Glenelg,
12 March 1838.

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Appendix (A.)

Adjutant General's Office,
Toronto, 4th December, 1837.

Militia General Order.

His Excellency the Lieutenant Governor has pleasure in announcing to the militia of Upper Canada, that in consequence of the present disturbed state of the Lower Province, several regiments have gallantly expressed their readiness to co-operate in case of necessity with her Majesty's troops, in protecting their fellow subjects in Lower Canada in the maintenance of the revered laws and institutions of the British empire.

While this spirit, so honourable to Upper Canada and so fully in accordance with the character of its inhabitants, has been manifested in various portions of the province, his Excellency has with regret received information from various quarters, that in certain portions of the Home and London Districts a number of individuals have been seen assembled, as if for the purpose of drilling, some of them bearing arms, although not called upon by public authority, nor acting under the orders of any officer appointed by the Crown.

Whatever may be the motive of such assemblages, the Lieutenant Governor is of opinion, that they are calculated to excite alarm in the minds of all peaceable inhabitants, and that being contrary to law, they are inconsistent with that duty and allegiance which it is the pride of all faithful subjects to cherish.

The Lieutenant Governor has therefore determined to call upon all persons in public authority, as well as upon all classes of her Majesty's subjects in Upper Canada, to unite together in maintaining the high character which this Province now holds in the esteem and affection of the mother country, by discountenancing such illegal meetings, and by doing all in their power to discover and make known those who promote and take part in them.

With this object in view, the Lieutenant Governor directs that the colonels of militia throughout the Province shall, upon receiving this order, call out their respective regiments, and acquaint them of the above circumstances; as also that his Excellency's offer to Sir John Colborne, of her Majesty's troops who were in this Province, has been accepted; that as soon as the navigation closes, their return may be deemed impracticable; that even if it were not so, his Excellency on no account whatever, would consent to deprive the Lower Province, during this winter, of their assistance; that her Majesty's stores, arms and ammunition, have been entrusted by his Excellency to the civil authorities; and that the period has consequently arrived for his Excellency to call upon the militia of Upper Canada, to do justice to the honorable confidence which, under circumstances so flattering to their character, has been publicly reposed in their valour and in their loyalty.

Upon the militia of Upper Canada, as the constitutional force of the country, the Lieutenant Governor relies with confidence for aiding the civil powers firmly to maintain the laws,

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and to protect all classes of the Queen's subjects in the full enjoyment of their rights and liberties; and his Excellency is fully assured, that if necessity should arise, the inhabitants of Upper Canada will not fail to place on record an honourable example of a people who, appreciating the blessings of peace and freedom, will allow no political differences of opinion to prevent them, when duly called upon, uniting to support their religion, the Crown, and the laws.

His Excellency therefore directs the colonels of militia throughout the Province, immediately to make such arrangements as may appear to them most judicious, for enabling their respective corps to act with promptness and effect, should any emergency render their services necessary. And in case the civil authorities should find occasion to suppress an illegal meeting, his Excellency especially refers to the 9th section of the Militia Act, passed in the 48th year of the reign of his late Majesty George the III., relying that the officers commanding regiments will, with alacrity, firmness and discretion, exercise the powers therein given to them, of suppressing with the force of their respective regiments, any attempts that may be made to oppose the civil magistrates, or to disturb the peace of the country.

The Lieutenant Governor is proud to believe, that Upper Canada is the only portion of the British empire divested of military support, and he feels confident, that the mother country as well as the continent of America, respect the steady peaceful conduct which at present so peculiarly distinguishes the inhabitants of the Upper Province of the Canadas.

By Order of his Excellency.

James Fitzgibbon,
Acting Adjutant General of Militia.

Appendix (B.)

Government House, 8th December 1837.

HIS Excellency the Lieutenant Governor warmly thanks, in the name of her Majesty the Queen, the loyal and gallant militia of Upper Canada, for their ready attention to the call of their country, when their services were required for putting down a cruel and unnatural rebellion.

His Excellency trusts, that that service has now been effectually rendered, and it only remains for him to take whatever steps may be necessary for the peace and security of the several districts, and to announce, with much satisfaction, that there appears to be no further occasion for the resort of militia to Toronto.

Appendix (C.)

Copy of a Despatch, from his Excellency Sir Francis Bond Head, Baronet, Lieutenant Governor of Upper Canada, to his Excellency Henry S. Fox, Esquire, her Majesty's Minister at Washington.

Government House,
Toronto, 23rd December 1837.

Sir,

It is my duty to lose no time in apprising your Excellency, that the peace and security of this Province are at this moment threatened, and that its territory is actually invaded by a large band of American citizens from Buffalo, who have taken up arms, and established themselves in a hostile manner on Navy Island, in the Niagara River, and within the territory of Upper Canada.

Your Excellency has no doubt learned from the public papers, that in consequence of the insurrection unhappily commenced in Lower Canada, but which, I have reason to believe, is now effectually suppressed, an attempt as rash and hopeless, as it was wicked, was lately made by three or four hundred persons in this vicinity, to involve this province also in the miseries of a civil war. In concert with this movement, an endeavour was also made to excite the people in another district to take up arms against the Government. Both these attempts were promptly and effectually suppressed by the loyal militia of this province, unaided by any military force. Most of the deluded persons who were engaged in these rash and criminal enterprizes have surrendered themselves when taken prisoners; but the principal leader, William Lyon Mackenzie, and some of the most active of his followers, succeeded, with great difficulty, in making their escape to the adjoining State of New York. It was soon reported to me, that at Buffalo, to which place these traitors fled, strong symptoms were shown by numbers of American citizens, of an inclination to aid them with men and arms, and to supply them with other necessities, in order to enable them to make a hostile invasion of this province.

That the public authorities in Buffalo, and the more respectable of the inhabitants, do discountenance such proceedings, I had no doubt, and their conduct since has justified that expectation; but as it was doubtful how far they might be able promptly to control this ebullition of hostile feeling towards a nation with which the United States held the strictest relations of amity and peace, I immediately addressed an official letter to his Excellency Governor Marcy, at Albany, of which a copy is herewith sent. No reply to this has yet reached me, nor do I know what steps, if any, have been taken on the part of the American Government, at Buffalo, to repress this hostile rising of their people.

Since that letter was written Mackenzie has been joined by some hundreds of American citizens

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citizens from Buffalo and the adjacent villages, who have established themselves on Navy Island, as I have before mentioned, with artillery and arms procured in the United States.

The paper printed at Buffalo, which I send you, will show the spirit in which this movement is urged forward.

I am, of course, taking all possible measures to repel invasion and insult, and I believe, that in a few days a considerable military force will be at hand to sustain our gallant militia in this extraordinary and unlooked-for conflict. I need not remark to your Excellency how unfair and unjust it is that a rebellion which, within this province was so insignificant, that it was instantly crushed by the civil inhabitants of the colony, should be revived and rendered formidable by the direct and active management of the American people; and that during the existence, not only of peace, but of the most friendly relations between Great Britain and the Government of the United States, the peaceful population of this Province should be threatened with devastation and plunder, and all the miseries of civil war, by the unjustifiable interference of American citizens.

Though inhabiting a remote portion of the British dominions, the people of Upper Canada feel that they may rest assured of being ultimately protected by the whole force of the empire, if it be necessary: they are conscious also, that they deserve kinder offices at the hands of the American people; and I appeal to you, in their name, and as the representative of their Sovereign, to urge upon the Government of the United States the immediate exertion of military force to suppress a movement of their people so insulting and injurious to a neighbouring nation, and which, whatever temporary calamity it may inflict, must inevitably, unless promptly checked, lead to a public war. Any wrongs which may be committed against the people of this colony will, under the protection of a just Providence, be amply redressed.

I beg your Excellency will not fail to assure the American Government of my sincere conviction, that the facts of which I complain will certainly meet with their most unqualified reprobation.

I have, &c.,
(signed) F. B. Head.

Copy of a Despatch, from his Excellency Sir Francis Bond Head, Baronet, Lieutenant Governor of Upper Canada, to his Excellency Henry S. Fox, Esquire, her Majesty's Minister at Washington; dated Toronto, Upper Canada, 8th January, 1838. (*Vide* Enclosure, No. 1, in Sir F. B. Head's Despatch to Lord Glenelg, dated Toronto, 10 January 1838, p. 85.)

Copy of a Despatch from his Excellency Sir Francis B. Head, Baronet, Lieutenant Governor of Upper Canada, to his Excellency Henry S. Fox, Esq. Her Majesty's Minister at Washington; dated Government House, Toronto, 30 January 1838. (*Vide* Enclosure, No. 1, in Sir F. B. Head's Despatch to Lord Glenelg, dated Toronto, 7 February 1838, p. 100.)

Appendix (D).

Proclamations of Thos. J. Sutherland. (*Vide* Enclosures, Nos. 2, 3 & 4, in Sir F. B. Head's Despatch, 7 February 1838, No. 25, pp. 102, 103.)

Appendix (E).

LETTER of Colonel *Radcliffe*, Commanding Western District Frontier, to Lieutenant-colonel *Strachan*, Military Secretary.

Sir,

Amhertsburgh, 10 January 1838.

I BEG to state, for the information of his Excellency the Lieutenant-governor, that on the 9th January 1838, the schooner *Anne*, of Detroit, in the service of the rebels occupying Bois Blanc Island, was lying in the channel between the island and Fort Malden, and at dark it was perceived she neared the shore. On receiving this information I reinforced the guards and pickets and called the garrison to arms; the vessel then got under way and passed the town, into which she threw some round shot and grape; I immediately expected she would land men at a place called the Point, and exactly opposite the light-house at Bois Blanc, and ordered the men to proceed to that point, where I had a guard of 20 placed, and reinforced by an out-lying picket of 40 men. The vessel came close up to the shore and commenced firing grape and round shot, and musketry; the militia opened a brisk fire and the schooner ceased firing, when it was thought by some that she was willing to surrender; however, as she would not pull down the flag, our men boarded her, although up to their arms in water.

The general (Dr. Theller) was at that moment in the act of reloading the six-pounder they ad on board; Captain Lang, of the Lake merchant navy, took the cartridge out of the
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mouth of the gun; Mr. Ironside, acting captain of militia, took the flag. We found on board 21 persons, one killed, eight wounded, 12 prisoners; three pieces of cannon, not very useful; about 200 stand of arms, buff cross belts, ammunition, but of this but a small supply. When I receive a return you shall be informed more at length.

I have given directions to set fire to the schooner as soon as all the stores are taken out of her. I have just been informed that the enemy has got a steamer from Detroit called the Erie; the rebels seized her and the mayor or governor ordered her to be retaken, but the rebels refused, the city guards did not give them any further trouble: in fact, everything is done in this way; the rebels have taken six pieces of cannon at Detroit in the same way, and they are now on board the Macomb steamer at Detroit, and of course will be employed against us to-morrow.

One of our scouts has just come in to say that he supped in company with some rebels at Gibraltar Point last night, and they there said that it was their intention to attack Sandwich this night; that they would divert us by a show of passing about the channel, but the object was Sandwich.

I am now informed that the Erie steam-boat has passed between Bois Blanc and Sugar Island, and has discharged some cannon; I have ordered reinforcements to this point, and if I hear that they are coming nearer I shall beat to arms. This seems to be our weakest point, and I wish his Excellency would send a company or two of the line to assist. I have just had a letter from Colonel Hamilton at Windsor, saying that he had been well informed that the rebels intended to attack Chatham this night, and if the water was not sufficient to take them up, that they would try Windsor or Sandwich.

This end of the country is very much exposed, and should be attended to in time. I have issued orders to send 100 men to Sandwich to assist there in case of attack.

I should be glad to know if his Excellency wishes to employ the Indians.

I have sent the prisoners to London gaol

Your's, &c.

Thos. Radcliffe,

Colonel commanding Western District Frontier.

N. B.—The Anne of Detroit is aground, but have not yet burned her.

Lieutenant-Colonel Strachan, }
Military Secretary. }

Appendix (F.)

From the *Michigan Observer*, of 17th January 1838.

THE CANADA CRUSADE.

WE had barely time to express in our last our deep abhorrence of the part the great mass of our citizens were acting in relation to the affairs of Canada. It really seemed as though they were perfectly beside themselves in this matter. Almost the entire mass of our population were wrought up to the highest pitch of excitement in behalf of the "Patriots." Such was the demonstration of popular feeling, that the man who had the moral daring to stand up in defence of the Constitution and the laws was hissed at and stigmatized as a Royalist. And we are told that this kind of phrenzy had spread itself into the interior, and to a greater or less extent, thrown nearly the whole population of the State into commotion.

We are happy now in being able to say that a reaction to some extent has taken place, and that our citizens appear to be coming to their senses. The motley group who were collected near the mouth of the river, to the number 1,000 or 1,200, have been partially dispersed; some of them have returned to their homes, and the remainder, with their commander, we are told, are lurking about this city. From all we can learn, we should think there never was such another set of men collected together on any occasion. We need not inform our readers, that every miserable vagabond in the street, when under the inspiration of alchhol, imagines that he was born to command. We do not say that any such reason as this should be alleged to account for the fact that there was such a host in this army of "Patriots," who put in their claims to command, and so few who were willing to be commanded, and that this was one of the causes which contributed to their dispersion,—because we were not there, and did not see it.

We will now endeavour to give some account of the operations of this patriot army. A man by the name of Theller, who kept a large whiskey establishment in this city, (Dr. Theller, we believe he was called) joined the patriots, and the next we hear of him, he is "General Theller," and the next is, that he, with 12 others, many of them "gallant officers," are on their way to London jail, to be tried for high treason against the British Government. They were captured on board the schooner Anne, together with a large portion of the arms, ammunition, and provisions of the "patriot army." There are many versions of the affair afloat; but the most probable seems to be, that Theller had the recklessness to sail up in front of Malden and pour his broadsides in upon the town, with the expectation of taking possession of it at once, and running away with all the glory. The sequel seems to be wrapped in mystery. One account says, that the British army lay concealed behind piles
of

of wood and lumber, and that at a signal given, they opened a heavy fire upon the schooner, killing several, and cutting the rigging so as to render her unmanageable. Another story is that they were driven ashore by a strong adverse wind. Which account is correct, or whether either is, it is impossible to say, though the former is the most probable.

Within a day or two, several persons have been arrested in this city, on the charge of contravening the laws in aiding the rebel army. A Mr. M'Kinny, the chief manager of the Detroit theatre, who had suddenly become transformed into a colonel, has been bound over to take his trial at the June court. We believe that some others have also been bound over.

A Mr. Sutherland, who is called their general-in-chief, or some such name, was also arrested and examined before Judge Wilkins, but we believe the judge decided that the evidence before the court was not sufficient to authorise his commitment. We are told that he professes to be a man of fair character.

What are the intentions of that portion of the disbanded army who are now in this city is not known, but it is supposed that they are concerting a new plan of operations, and that they are determined to try their fortunes once more. Our city is in a constant turmoil from the presence of these men. The military is kept in constant requisition for the protection of the city; and not a night passes, but the quiet of our citizens is disturbed.

Great indignation, we are told, is felt by these self-styled patriots, and those who sympathize with them, because the coloured people on the other side of the river have taken up arms and rallied around the standard of their adopted country; and we are credibly informed that it is the intention of these men, should they succeed in their designs, to send every coloured man in the Province back into southern bondage, so fast as they shall be claimed. And who can wonder that the coloured people of Canada should be attached to a government which reached out its arm of mercy and took them in? who can wonder, that from their experience in regard to the free institutions of our country, they should be filled with horror at the thought, that similar institutions were to be established over them? This very attachment is highly honourable to them as men. It shows that they are men of true hearts, and will never betray a benefactor. It shows, moreover, that they are capable of appreciating the blessings of liberty, and dread nothing so much as the woes of slavery.

How absolutely pitiful is it to see men so concerned to establish free institutions upon British soil, when we consider the condition of our own country, distracted and torn, overrun by murderous mobs, which bid defiance to the civil arm, and triumph in their blood, thus exposing our institutions to the derision of the world. If these men have patriotism, they need not go beyond the confines of our own beloved, bleeding country, to find full scope for its exercise. Infinitely better is it to be under British rule, or Russian despotism, or under anything in the shape of government, than to be at the mercy of a mob. And if things are to go on for a few years to come, as they have done for a few years past, who can tell but the dominions of Britain will be a refuge for us and our children, as they are now for the oppressed and suffering slave?

Appendix (G.)

Petition of the President and Secretary of the Constitutional Association of Montreal.

To the Knights, Citizens and Burgesses, of the Province of Upper Canada, in Provincial Parliament assembled.

The Petition of the undersigned, for themselves, and in behalf of the Constitutional Association of Montreal—

Respectfully represents to your Honourable House:—

THAT anarchy and confusion have set the laws at defiance, and destroyed the harmony and quiet of social life; that sedition and rebellion, followed by atrocious murder, robbery and rapine, have loudly proclaimed themselves in the most populous and prosperous portion of Lower Canada; and that the rights, the interests and the property of the provincial inhabitants of British origin have been jeopardised by the designs of a revolutionary French faction, madly bent upon their destruction.

That in order to expose the real views and designs of that faction, the Constitutional Association of Montreal have undertaken the important duty of explaining to your Honourable House, as succinctly as the nature of the subject will admit, the real cause of the discontent which has called into being the active disturbances at present most unhappily, and at the same time most unjustifiably, existing in this Province, and of appealing to the sympathy of your Honourable House in behalf of the inhabitants of British origin in Lower Canada—for the protection of their rights as British subjects—the maintenance of the Provincial connection with the parent State—and the acquirement, from the justice of the Imperial Government, of those remedial measures which will prevent a recurrence of existing disorders, and secure the prosperity and improvement of the colony.

At the conquest of the Province of Quebec by the British arms, the greater proportion of its inhabitants chose to remain in the Province, trusting to the generosity of their conquerors, rather than to return to the country of their ancestors; they became British subjects by the

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mere fact of their Provincial residence, and subsequent civil and political benefactions conferred upon them, demonstrated their well-placed trust in the generosity of the British Government.

The full exercise of their religious worship, the complete enjoyment of their ancient civil laws, and the undisturbed use of their native language, were among the number of civil and social privileges guaranteed to them; and political privileges of equal extent to those enjoyed by the British Provincial inhabitants were, in addition, subsequently bestowed upon them.

The uncongeniality of the French laws, as a system of Provincial civil jurisprudence, with the spirit and feelings of British settlers, and their expressed desire for a change from the petty tyranny of a governor and council to the freedom of a representative Provincial government, procured still greater advantages for the French Canadians. In the year 1791, the division of the Province of Quebec into the two separate Provinces of Lower Canada and Upper Canada was carried into effect, and a constitution similar to that of the parent state was conferred upon each, whilst at the same time universal suffrage was, in effect, granted to their inhabitants.

It was conceived that this measure, by which one division should consist, as much as possible, of those who were well inclined to the English laws, and the other, of those who were attached to the French laws, was best adapted to put an end to all disputes of a legal sort—to reconcile the jarring interests and opposite views of the Provincial inhabitants—to prevent a great degree of animosity and confusion, from their rooted opposition of interests—and to obviate dissatisfaction from a great ascendancy of one party over another in a united legislature. Two objections to the measure were, however, neglected by the Minister of the day—that it fostered a population of foreigners in a British colony, and that it contained no provision whereby the inhabitants of the British islands should be totally excluded from settling themselves in Lower Canada.

The experience of fifty years of separation between the Provinces, and the present insurrectionary and seditious spirit exhibited in Lower Canada, plainly show how far the advantageous results anticipated from that impolitic and undesired measure have been realized.

The possession of the right of almost universal suffrage, and of a numerical popular majority of the Provincial constituency, gave the complete command of the representative branch of the legislature to the French Canadians, who soon exhibited a perfect knowledge of their advantage, and of that exclusive spirit which has since invariably actuated all their proceedings, and grown into a firm determination to accomplish their final purposes, of the destruction of the interests and rights of the Provincial inhabitants of British and Irish origin, and of the provincial connection subsisting with the parent State.

A cursory examination of the composition of the House of Assembly, from its establishment, will show, that with scarcely an exception, no individual of British or Irish origin has been returned to serve as a member of that body by a French Canadian majority, unless as a pledged supporter of French Canadian principles; with scarcely an exception, no Provincial law has been passed, how much soever required for the support of the interests, or the protection of the rights of the inhabitants of British and Irish origin, and that even these legal exceptions were invariably of a temporary nature, and subject to the capricious pleasure of French Canadian majorities. The spirit of the legislation of that body will show that its temporary character was adopted to render the Province the more completely subject to their controul, or to enable them the more easily to take advantage of their expected predominance, for the abrogation of those very temporary laws which they had been constrained to pass. The political principles of that body will show a fixed opposition to British interests, not only in their aversion to or rejection of every measure which would tend to the introduction of capital and of a British population into the Province; as, for example, an effectual system for the registration of mortgages, and an abrogation of the feudal tenure; but also in their positive introduction and adoption of every measure likely to tend to the privation of British and Irish rights, or to the destruction of British and Irish interests, such as the existing county division of the Province, by which the British and Irish constituency in the seignories has been completely swamped in the greater numbers of the French Canadians, and the defeated attempt to deprive their fellow subjects of British and Irish origin in the cities, tenants of leasehold property in co-partnership, from a right of voting for members of the Assembly. The claim of that body for the sole management and disposal of the whole revenue of the Province, has constantly had in view the attraction into their own hands of the entire Provincial authority, and of the subjection of the executive government to their arbitrary will. From their first insidious attempt in 1795, to obtain the repeal of the permanent appropriation contained in the Act of 1774, for the support of the civil government and the administration of justice, thereby to subject the executive government to their good pleasure for any further support than the pittance they then agreed to allow, through the whole course of the financial difficulties, which they have never allowed to slumber, by means of their annual supply bills—their difficulties as to the items of that supply—their representations in 1822, not to grant permanent supplies, or supplies during the Sovereign's life—their delegation to England in 1828—and the whole category of their agitation upon this subject down to the year 1831, when the full accomplishment of their long sought desires was obtained from the good faith of the British Government, by the repeal of the permanent appropriations, their first, last great object was to obtain possession of the Provincial revenues, well knowing that by this means the
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government would be cast into their hands. Finally, the detail of the grievances of that body as representing the opinions of their constituency, the so called great mass of the population, complete the evidence of their exclusive interests; in them will be found the abrogation of the charter granted to the British American Land Company, by means of which the Assembly sought to assume the management of the waste lands in the townships, and thereby to prevent the settlement therein of a British and Irish population; the repeal of the Tenures Act, by which a commutation of seigniorial tenure may be effected, from their apprehension of its leading to the introduction into the Province of British capital; their indisposition to encourage the settlement of the townships of this Province, because they are principally inhabited by a British, Irish, and American population; their unwillingness to co-operate with Upper Canada in the extensive improvements in progress in that Province, by which its settlement and prosperity might be augmented, and like advantages might thereby accrue to the British and Irish inhabitants of Lower Canada; and their pertinacious endeavours to render the legislative council elective, because in it alone were to be found the means of opposing the exclusive pretensions, and of protecting British interests. The history of the House of Assembly in its composition, its legislation, its spirit and political principles, fully establish the aim which its members have constantly kept in view—the aggrandizement of the population of French, and the oppression of that of British origin.

The recorded testimony of a French Canadian leader, and one of the delegates to England, in 1828, to represent the grievances of his fellow countrymen, and since that time their paid agent for similar purposes, corroborate the views taken by the Constitutional Association; he declared in his examination before the Canadian Committee of the House of Commons in 1828, that “the establishment of the English laws as applicable to property held in the townships on the tenure of free and common soccage, would be an infringement of the rights belonging to the French Canadians, if not done by the Legislature of Lower Canada; that the French laws should be allowed to continue all over the country—that facilities should have been given to the French Canadians to settle in the townships—that the means of going there should have been given to them—that a system of education according to the notions and ideas of the French Canadians should have been followed—that the desire of the French Canadians must necessarily be to keep up their own Institutions, and to preserve their laws in every part of the country—that the Legislative Council should be composed of men who would side with the mass of the people, and in effecting this latter arrangement, that its natural effect would be to secure the means of extending the French laws and the French Canadian system over Lower Canada.”

In the full and complete security of their persons and property, in the free and unrestricted enjoyment of their religious worship, their ancient civil laws, their native and beloved language, and of an equality of rights and privileges in the Provincial Representative Government, with their fellow subjects of British and Irish origin, in possession, moreover, of a numerical majority, the French Canadians could have no sympathies in common with people of another race and speaking another language, no inducement to divest themselves of prejudices dear to them alike from the associations of country and the recollections of life, or to abandon habits and customs which they cherished, and to which they were firmly attached, for the questionable advantages to be obtained from assimilation with strangers, whom they were taught to disregard; and the natural consequence has been, that in proportion as the French Canadian population has increased, those evils have likewise increased, until the repugnance to British interests and British connection has finally assumed the form of open and declared rebellion.

The French Canadian population were thus not only nationally inclined to mark their active opposition to their fellow subjects of British and Irish origin, but they have been taught to consider them as strangers and trespassers upon their soil; they have been taught to feel towards them none of those kindly sympathies which unite together subjects of the same country and possessors of the same rights; they have, in fine, been taught to believe themselves oppressed by their fellow subjects of British and Irish origin, and to imagine that they possessed the power of expelling their oppressors. Overlooking their moral feebleness in physical capability, desperate men made an open livelihood by influencing the population of French origin to acts of violence; missionaries of insurrection by their own example, ostentatiously showed to them the manner of setting the laws at defiance; and individuals, loaded with every species of personal contempt, aggravated a local pressure into popular tumult, or embittered an unimportant grievance into bloodshed. In all cases the object was attained, active discontent was introduced into the passive population, and noon-day meetings gradually ripened into sedition and rebellion.

It is this exclusive French spirit alone which has given rise to all the discontent existing in this province; it is this which has, in fact, made this question one of national origin, and not of political party; in it is to be discovered the source of all the disturbances which have brought sedition and rebellion in their train; and in it alone is to be found a full and complete answer to the inquiry, to what causes the present unhappy condition of this province is to be ascribed.

This conclusion is borne out by the text-book of the complaints of the French Canadian Representatives, adopted in 1834, the famous 92 resolutions of the House of Assembly, in which will be found a detail of grievances and abuses which that body knew to be either altogether redressed, or in active course of being so; reference is therein principally had to

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those which have already been adverted to, the introduction of the elective principle into the composition of the Legislative Council, the abrogation of the Tenures Act, and the disposal of the whole revenue of the province; the two former have been most wisely refused, the latter as unwisely granted, while by their own admission, no real oppression exists in the province, and no real grievance consistent with the preservation of British supremacy remains unredressed.

The French Canadian leaders have endeavoured to excite the sympathy of the citizens of the United States, and of the professed republicans in Upper Canada, in behalf of themselves and their fellow-countrymen, by constantly appealing to their assistance for the support of popular institutions and popular rights, as if their real views were republican, and as if that form of government were favoured by the French Canadian population. It is sufficient to meet this fallacious inference with a direct denial as being contrary to the fact, and to the habits, feelings, and customs of that population, and as being altogether disproved by the evident principle of all the measures which have been proposed or approved by the French Canadian population, or its representatives in Provincial Parliament assembled, which plainly show that their views did not extend beyond the means of securing their own exclusive designs and intentions.

Your petitioners submit, that the provincial inhabitants of British origin have real and substantial grounds of complaint; they have been compelled to submit to a system of jurisprudence foreign to their habits and injurious to their interests; to a feudal law which, to the disgrace of the Provincial Legislature, finds a home in Lower Canada alone, to a denial of those legislative improvements which would have introduced British capital and enterprise into the province, and increased therein a British population, and to their privation of their dearest rights as British subjects, in their virtual exclusion from a just participation in the Provincial representation.

Although their supplications and petitions for relief have been unheeded, amidst the clamours of an insurrectionary faction, these loyal subjects still confidently trust in the magnanimity of the mother country, and still anticipate from her justice an entire redress of their unmerited and patiently endured grievances.

At the same time your petitioners conceive that, without a total abandonment of the policy now adopted towards this province, and its Anglification in fact as well as in appearance, by means principally of its re-union with Upper Canada, the same evils will exist, the same causes of disorder will continue, and the same attempts at sedition and rebellion will again occur.

Your petitioners are firmly convinced that the re-union of the Canadas is not only the most effectual means of preventing a recurrence of the disasters which have already occurred, but that it will produce to Upper Canada advantages which cannot be anticipated from any other measure; a more equal proportion of the general revenue, a free outlet to the ocean, and a practical utility for the magnificent improvements in progress at her expense within her own limits; that it will at the same time promote the prosperity of both the provinces, secure their just dependence upon the British Government, and prevent a dismemberment of the empire.

Your petitioners most respectfully entreat your honourable House to take the situation of the British inhabitants of Lower Canada into your serious consideration, and to advise such measures as will promote the objects which your petitioners have in view—the complete Anglification of this Province, and its re-union with Upper Canada.

And your petitioners, as in duty bound, will ever pray.

Peter Mc Gill,
President, Constitutional Association of Montreal.

W. Badgley,
Secretary, Constitutional Association of Montreal.

Montreal, 13 December 1837.

Appendix (H).

Resolutions of the Assembly of Lower Canada, for expunging Speech of the Governor-in-Chief from their Journals.

Monday, 23 February 1835.

The House went into committee on his Excellency's speech at the close of the last session, and passed the following resolutions, which were reported and agreed to:

1. Resolved—That any censure of the proceedings of this House on the part of another branch of the Legislature, or of the Executive Government, is a violation of the statute in virtue of which this House was constructed; an infringement of its privileges which they cannot dispense with protesting against, and a dangerous attack upon the rights and liberties of His Majesty's subjects in this Province.

2. Resolved

2. Resolved—That that part of the speech of his Excellency the Governor-in-Chief addressed to this House on the 18th March last, at the close of the last session, and which relates to the petitions addressed by this House to His Most Gracious Majesty, and to the two Houses of Parliament of the United Kingdom, on the state of the Province, complaining of grievances and abuses which exist in this province, and indicating the means of remedying the same, is a censure on the part of the Head of the Executive of this Province, of the proceedings of this House, which had acted as an equal and independent branch of the Legislature, for divers good causes and considerations to itself known, for the benefit of His Majesty's subjects in this Province, and of his Government therein.

3. Resolved—That the said speech be expunged from the Journals of this House.

Yeas—Messrs. Amiot, Archambeault, Bardy, Barnard, Beaudouin, Bedard, Berthelot, Bertrand, Besserer, Blanchard, Bouc, Bouffard, Boutillier, Bureau, Cardinal, Careau, Caron, Cazeau, Cherrier, Child, Coté, Courteau, De Bleury, Deblois, Déléigny, De Witt, Dionne, J. Dorion, P. A. Dorion, Drolet, Dubord, Girouard, Godbout, Grannis, Hotchkiss, Huot, Kimber, Lacoste, Lafontaine, Larue, Leslie, Marquis, Meilleur, Méthot, Morin, Mousseau, Noel, O'Callaghan, Pickel, Perrault, Proulx, Raymond, Rocbrune, Rochon, Rodier, Roy, Simon, Taché, A. C. Taschereau, P. E. Taschereau, Tessier, Toomy, Trudel, Viger,—64.

Nays—Messrs. Baker, Blackburn, Bowman, Clapham, Guy, Moore, Power, and Wells,—3.

Appendix (I.)

(14 Geo. III. chap. 88. 1774.)

AN Act to establish a Fund towards further defraying the Charges of the Administration of Justice, and support of the Civil Government within the Province of Quebec, in America.

WHEREAS certain duties were imposed by the authority of His Most Christian Majesty, upon wine, rum, brandy, eau de vie de liqueur, imported into the Province of Canada, now called the Province of Quebec, and also a duty of 3*l.* per centum *ad valorem*, upon all dry goods imported into, and exported from the said Province, which duties subsisted at the time of the surrender of the said Province to Your Majesty's forces in the late war: And whereas it is expedient that the said duties should cease and be discontinued; and that in lieu and instead thereof, other duties should be raised by the authority of Parliament, for making a more adequate provision for defraying the charge of the administration of justice, and the support of the civil government in the said Province: We Your Majesty's most dutiful and loyal subjects, the Commons of Great Britain, in Parliament assembled, do most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the 5th day of April 1775, all the duties which were imposed upon rum, brandy, eau de vie de liqueur, within the said Province, and also of 3*l.* per centum *ad valorem*, on dried goods imported into, or exported from the said Province, under the authority of His Most Christian Majesty, shall be and are hereby discontinued; and that in lieu and instead thereof, there shall, from and after the said 5th day of April 1775, be raised, levied, collected and paid, unto His Majesty, his heirs and successors, for and upon the respective goods hereinafter mentioned, which shall be imported or brought into any part of the said Province, over and above all other duties now payable in the said Province, by any Act or Acts of Parliament, the several rates and duties following: that is to say,

[Here follows the Table of Duties upon rum, brandy, &c.]

Appendix (J.)

LORDS' JOURNALS.

6 September 1831.

THE order of the day being read for the third reading of the bill entitled, "An Act to amend an Act of the 14th year of His Majesty King George the Third, for establishing a Fund towards defraying the charges of the Administration of Justice, and support of the Civil Government within the Province of Quebec, in America.

It was moved that the said bill be now read the third time."

Which being objected to;

The question was put thereupon?

It was resolved in the affirmative—

"Dissentient—

"Because the Bill transfers to the Legislative Council and Assemblies of Upper and Lower Canada, by any Act to be by those Legislatures respectively passed, and assented to by His Majesty, the exclusive appropriation of the duties levied under the authority of the Act of the 14 Geo. 3. chap. 88. hitherto applied, by warrant of the Lords of the Treasury, towards

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towards defraying the expense of the administration of justice, and the support of the civil government in those Provinces respectively, by authority of the same Act.

“ The House of Assembly of the Province of Lower Canada has, up to this time, omitted to make any permanent provision to defray the expense of those charges in that Province; and the judges and others employed in the administration of justice, and the governor, and the officers of the civil government, are left to be provided for by annual vote of the Legislative Assembly of the Province.

“ These persons will thus become dependent upon the continued favour of the Legislative Assembly for the reward of their labours and service; the administration of justice within the Province of Lower Canada can, no longer, be deemed independent; and His Majesty’s subjects will have justice administered to them by judges, and will be governed by officers, situated as above described.

“ *Wellington.*”

Then the said bill was read the third time.

The question was put, “ Whether this bill shall pass ? ”

It was resolved in the affirmative.

Appendix (K.)

(1 & 2 Will. IV. chap. 23.)

AN Act to amend an Act of the 14th year of His Majesty King George the Third, for establishing a Fund towards defraying the charges of the administration of Justice, and support of the Civil Government of the Province of Quebec, in America.

[22 September 1831.]

(Preamble recites 14 Geo. III. chap. 88.)

“ AND whereas the said Province of Quebec hath, since the enactment of the said Act, been divided into the two Provinces of Upper and Lower Canada: And whereas it is expedient to make further provision for the appropriation of the duties raised, levied and collected under the said Act: Be it therefore enacted by the King’s Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That it shall and may be lawful for the Legislative Councils and Assemblies of the said Provinces of Upper and Lower Canada, respectively, by any Acts to be by them from time to time passed, and assented to by His Majesty, his heirs and successors, or on his or their behalf, to appropriate, in such and to such purposes as to them respectively shall seem meet, all the monies that shall hereafter arise by or be produced from the said duties, except so much of such monies as shall be necessarily defrayed for the charges of raising, collecting, levying, recovering, answering, paying and accounting for the same.”

Appendix (L.)

Extracts from Letter to the Earl of Dalhousie, from Mr. W. L. Mackenzie.

(From the Colonial Advocate, published by Mr. Mackenzie, of 10 May 1827.)

“ To the Right Honourable the Earl of Dalhousie.

“ My Lord,

* * * * *

“ For it is so generous in your Lordship not willingly to prostrate the whole of the servants of His Majesty at the feet of the Commons, at the mercy of their annual vote, contrary to the usage of England, where the civil list is voted for the life of the King, while the Canadian supplies, if allowed to pass in the way in which it is said they desire, would place the royal authority and influence in Lower Canada entirely at the mercy of a majority in the Assembly, for the time being, and so oblige the officers of Government to court popular favour for daily bread; would place the judges of the land in that slavish state of dependence on the populace which produced so much real evil in Massachusetts, and which in the rich State of New York has made cheap justice a byeword, and the miserable pittance allowed the administrators of the laws a reproach.

“ So far your Lordship’s administration is just and reasonable.”

* * * * *

“ So far back as in Governor Burnett’s time (son to the excellent historian of his own times,) there were financial difficulties in Massachusetts. They would not allow the governor any fixed salary, only what they pleased yearly; and when he tried to indemnify himself by imposing a duty on vessels leaving the harbour, he was complained of to the King: the controversy lasted till his death, when, as Sir Walter Scott informs us, the Assembly relented in their resentment, and erected a monument to his memory.”

* * * * *

“ And so would the Assembly of Lower Canada to your Lordship, were your Lordship, unfortunately for the country, called hence. But while the constitution remains as it is, no end to financial controversy will ever be found; it is impossible. For if your Lordship were to

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to concede the Crown duties, some other topic fruitful in discord would supply their place; perhaps the Post-office revenue, perhaps a thousand other matters to which importance enough would be given to cause dissension.—Your Lordship may yet see the day when the New England States and the great State of New York, will recede from their union with the South and West, and being joined with these Colonies, form an integral portion of the country of their fathers, Great Britain and Ireland.”

* * * * *

“Those who choose to doubt the possibility of a cordial re-union between Britain and her New England Colonies, on the ground that the latter are wedded to republicanism, will be pleased to look back into the volume of English history, and they will find that Britain was nearly as long a republic, under the protectorate of Cromwell, as New England has been a democracy under the United States, and that the people got so tired of republicanism that they have preferred a limited monarchy ever since.”

* * * * *

“With an aristocracy of more imperishable materials than at present exists, with a ruler less responsible, less liable to be changed at the caprice of the opposition for the time being, and with a House of Representatives less trammelled by countervailing state laws, the United States might prosper. But it is with me one of the strongest arguments which can be adduced against the abolition of the British primogeniture laws, that in those republics where they have been abolished, and where more equalizing laws of inheritance obtain, a less independent and less valuable class of persons usurp the places of the country gentlemen of education, manly principle, and honourable family.”

* * * * *

“When I established this newspaper in May 1824, I sent the first number to your Lordship. In my earliest address to the public I avowed the principles by which I was actuated as a British born subject, and although I say it, and say it with regret, that I have been too often led into useless arguments upon the local and personal disputes of individuals upon the measures of the Provincial Government, and even upon still more trivial subjects, when I should have devoted my journal (as originally intended) to a consideration of the wealth, power and resources of my country, I can nevertheless truly declare that I have ever desired the glory and prosperity of Britain. In 1824 I stated that I preferred British to American liberty, that I thought a limited monarchy compatible with freedom, that I disliked to hear us giped in Congress as the distant dependencies of a distant monarchy, that I would never wish to see these Colonies united to the States, that I trusted to see British America thrive and prosper full as well as these States, and that I hoped the time would arrive when Canada would be pointed out as a model for other governments; I also avowed having sworn voluntary allegiance to my king and country.”

“In these principles and these opinions I remain to this day unchanged, and I trust I ever shall.”

* * * * *

“That your Lordship’s administration may be a means in the hand of Providence of uniting these countries to Britain by an indissoluble tie, is the sincere and heart-felt wish of

“My Lord, your Lordship’s most obedient humble servant,

“York, 23 April 1837.”

“W. L. Mackenzie.”

Appendix (M.)

Address to the King, on the subject of the Union of the Provinces.

To the King’s Most Excellent Majesty.

Most Gracious Sovereign:

WE, Your Majesty’s most dutiful and loyal subjects, the Legislative Council and Commons of Upper Canada, in Provincial Parliament assembled, humbly beg leave to address Your Majesty, expressing the great concern which we feel at the present embarrassed state of the local Government in Your Majesty’s Colony of Lower Canada. Though deeply sympathizing with that portion of Your Majesty’s subjects whose tranquillity has been disturbed by the long pending difficulties in that Province; and though fully sensible how fatally our own interests and security are liable to be affected by their possible result, we have hitherto forbore to intrude upon Your Majesty with any expression of our opinions upon the posture of public affairs in that Colony.

That we have not now presumed to address Your Majesty in order to remark upon the policy which has hitherto been pursued in the government of that Colony, which interposes between us and the United Kingdom, but for the purpose which more directly concerns this Province, of stating to Your Majesty our apprehension, that a mistaken view of the condition and interests of the people of Upper and Lower Canada may prompt some persons, inconsiderately, to press upon Your Majesty’s Government the measure of uniting these Provinces, as a remedy for existing evils.

We have for some time past observed, that suggestions of such a nature have been publicly offered both in England and Lower Canada, and we are not surprised that our fellow subjects of that Province, who are suffering under the present difficulties, should be willing to risk the consequences of such an experiment. They may easily persuade themselves, that their situation can scarcely be rendered more embarrassing by the failure of any expedient, and they are not to be blamed, if in the hope of obtaining some relief by the

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change, they forbear to look carefully into the probable consequences of an union, to the welfare and tranquillity of this particular portion of Your Majesty's dominions.

We earnestly trust, nevertheless, that Your Majesty will graciously condescend to consider, that the political condition of 400,000 of Your Majesty's subjects cannot be otherwise than most materially affected by so important a change in their government. We are of opinion that such a change would expose us to the danger of consequences certainly inconvenient, and possibly most ruinous to the peace and welfare of this country, and destructive of its connection with the parent state.

This Province we believe to be quite as large as can be effectually and conveniently ruled by one Executive Government. United with Lower Canada it would form a territory of which the settled parts from east to west would cover an extent of 1,100 miles, which for nearly half the year can only be traversed by land. The opposite territory of the United States, along the same extent of frontier, being divided into six States, having each an independent government.

The population which Upper Canada contains is almost without exception of British descent. They speak the same language, and have the same laws, and it is their pride that these laws are derived from their mother country, and are unmingled with rules and customs of foreign origin. Wholly and happily free from those causes of difficulty which are found so embarrassing in the adjoining Province, we cannot but most earnestly hope that we shall be suffered to continue so, and that Your Majesty's paternal regard for your numerous and loyal subjects in this Colony will not suffer a doubtful experiment to be hazarded, which may be attended with consequences most detrimental to their peace, and injurious to the best interests of themselves and their posterity.

3 March 1837.

(signed) *John B. Robinson*, Speaker, L. C.
Archibald M'Lean, Speaker, H. A.

Appendix (N.)

Reply on the subject of the Joint Address deprecating an Union of the two Provinces.

No. 170.

Sir,

Downing-street, 21 April 1837.

I HAVE the honour to acknowledge your Despatch (No. 26) of the 4th ultimo, in which you transmit to me an address to his Majesty, from the Legislative Council and House of Assembly of Upper Canada, deprecating an Union between the two Provinces of Upper and Lower Canada.

I beg leave to acquaint you, that having laid this address before the King, his Majesty has been pleased to receive the same very graciously, and to command me to observe, that the project of an Union between the two Provinces has not been contemplated by his Majesty as fit to be recommended for the sanction of Parliament.

I have, &c.

Sir F. Head, &c. &c. &c.

(signed) *Glenelg*.

Appendix (O.)

Mr. Hume's Letter to Mr. Mackenzie.

(Published by Mr. Mackenzie, in his Colonial Advocate of 22d May 1834.)

My dear Sir,

Bryanston-square, 29 March 1834.

I LATELY received files of the Vindicator and Reformer Journals, and am pleased to observe that the electors of the county of York continue firm and consistent in their support to you, and that you manifest the same determined spirit of opposition to abuse and misrule.

The Government, and the majority of the Assembly, appear to have lost that little portion of common sense and the prudence which society in general now possess, and they sacrifice the greatest of public principles in gratifying a paltry and mean revenge against you.

Your triumphant election on the 16th, and ejection from the Assembly on the 17th, must hasten that crisis which is fast approaching in the affairs of the Canadas, and which will terminate in independence and freedom from the baneful domination of the mother country, and the tyrannical conduct of a small and despicable faction in the colony.

I regret to think that the proceedings of Mr. Stanley, which manifest as little knowledge of mankind as they prove his ignorance of the spirit and liberal feelings of the present generation, encourage your enemies to persevere in the course they have taken. But I confidently trust that the high minded people of Canada will not, in these days, be overawed, or cheated of their rights and liberties by such men. Your cause is their cause—your defeat would be their subjugation. Go on, therefore, I beseech you, and success, glorious success, must inevitably crown your joint efforts.

Mr. Stanley must be taught that the follies and wickedness of Mr. Pitt's Government, in the commencement of the French revolution, cannot be repeated now either at home or abroad, without results very different from what then took place. The proceedings between 1772 and 1782 in America ought not to be forgotten; and to the honour of the Americans, and for the interest of the civilized world, let their conduct and the result be ever in view.

I have lately seen, with mingled feelings of pity and contempt, the attack made by Mr. Ryerson against my public and private conduct, and also against those who generally act
with

with me. I candidly acknowledge, that of all the renegades and apostates from public principle and private honour, which, during a long course of public life I have known (and with regret I say I have known many), I never knew a more worthless hypocrite or so base a man as Mr. Ryerson has proved himself to be.

I feel pity for him, for the sake of our common nature, to think that such human depravity should exist in an enlightened society, and I fear that the pangs of a guilty and self-condemning conscience must make his venal and corrupt breast a second hell, and, ere long, render his existence truly miserable.

I feel utter contempt for any statement that Mr. Ryerson can make of my private or public conduct, although he has had every opportunity of private intimacy and of public observation to know the truth.

It is humiliating to the character of man, aye, and particularly of a pretended religious man, when I recollect with what earnestness he sought and obtained my sincere and zealous assistance to forward the cause of the civil and religious liberty which he then advocated. You witnessed his expression of thanks and of gratitude to me, in public and in private, verbally and in writing, for the aid I had given him. You who heard his objections to any religious sect receiving any pecuniary assistance from the State, as subversive of religion and of moral independence, must view with detestation the course which Mr. Ryerson has taken. When you recollect that I invariably treated him with kindness and attention, as the representative of a good cause, and of a distant people—that my time, amidst public business of importance, was always given with pleasure to attend to him and the object of his mission, you will agree with me, that the black and heartless ingratitude of such a man deserves to be received with pity and with ineffable contempt. When, moreover, it is known to you that there is not one word of truth in Mr. Ryerson's satanic effusions, I leave his pious and religious friends in Canada to unmask the hypocrite and throw him, as he deserves to be, an outcast from every honest society.

* * * * *

In the hope that I shall never again meet with so abandoned a character as Mr. Ryerson has proved himself to be, and trusting that the people of Canada, in vindication of truth and of honour, will treat him as he deserves.

I have, &c.,
Joseph Hume.

P. S.—The people in Lower Canada are taking the means of forcing their affairs on the Government, and will I hope succeed.

To W. L. Mackenzie, Esq. M. P.
York, Upper Canada.

J. H.

Appendix (P.)

From the "Constitution" of 29th November 1837, (published by Mr. Mackenzie).

The Constitution.

"It is impossible to suppose the Canadians dread your power. It is not easy to believe that the abstract duty of loyalty, as distinguished from the sentiment of loyalty, can be very strongly felt. The right of rejecting European dominion has been so often asserted in North and South America, that revolt can scarcely be esteemed in those continents as criminal or disgraceful. Neither does it seem to me that a sense of national pride and importance is in your favour. It cannot be regarded as an enviable distinction to remain the only dependent portion of the new world. Your dominion rests upon the habit of subjection; upon the ancient affection felt by the colonists for their mother country; upon their confidence in your justice, and upon the persuasion that they have a direct interest in maintaining the connexion."—Evidence given by James Stephen, jun. Assistant Secretary of State for the Colonies, before the House of Commons Committee on the Government of Canada, 1828.

"We never were placed in so critical a situation—there never was a moment in which it was so necessary to be vigilant, but temperate.—Temperate, because there is so much to cheer; vigilant, because there is reason to apprehend delusion and contrivance. I speak as delicately as I can; but this one truth should never be forgotten—that Ireland never yet confided but she was betrayed."—O'Connell's Letter to Edward Dwyer, Esq., 8 February 1829.

Provincial Convention.

Toronto, Wednesday, Nov. 29, 1837.

THE Convention appointed to meet this winter for the purpose of taking into consideration the state of the country, will hold its first sitting in Toronto city, at 10 o'clock in the forenoon of Thursday the 21st of December next.

W. L. Mackenzie, Corresponding Secretary, Central Union.

The news from Montreal we derive chiefly from the Tory papers; but although they conceal many facts, and although their accounts, like Napoleon's bulletins, are coloured "for effect elsewhere," we feel it to be our duty to lay them before our readers, with this addition, that there is every probability that ere now Montreal is either in the hands of the Canadians, and Sir John and his men driven towards the four winds of heaven, or it is in ashes. We have before said, and we here repeat the opinion, that neither 1,000 men—no, nor 10,000 men, would be able to stand a month against the Canadian people, united and determined to be free. They have waited sixty years longer than the rest of America for

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British justice, and have met with injury and insult. They have the solemn pledge of the British King and the Parliament of Britain, made in an hour of danger and humiliation, that never again would that King and that Parliament take their money without their consent. Have not the Crown and its Ministers shown, by their late attempt and resolutions to rob them of their money, that British honour and British justice are miserable by-words when applied to the colonies in America? As Ireland was coerced for 1,000 years, so would they now coerce, first Lower Canada, and us next. But, thank God for inspiring the Canadians with valour in an honest and heavenly cause—they know the value of freedom, and they will make the greatest of blessings theirs. Will England war with them? vote money to deluge their land with blood? tax her people to oppress her remaining possessions in America? No, indeed, there is no fear of that. The men who send the Members to Parliament now are the tax payers, who would directly have to bear the fifty million burthen of an unsuccessful crusade against liberty—the men who own the ships engaged in the Canadian and West India trade—and the men who employ the labourers and mechanics engaged in the manufacture of hardware, dry goods, iron, stationery, and a thousand other things for the meridians of Quebec and Toronto. These men see the revenue of England falling off, 8,000,000 of dollars in one quarter this year, as compared with the same quarter in the last; they see their commerce dwindling into doubt and uncertainty, by the agitation and coercion of the present and past years—the prospect of war in Canada might be extended to a war all over this northern continent—and the addition of fifty millions to the national debt would add to burthens already almost unbearable, while a protracted contest would make permanent enemies of those who might soon be otherwise made friends. England will never send a soldier to America for the purpose of conquest.

The reader should recollect that we are not situated like the old colonies; they had 300,000 merciless savages, furnished by British gold and British cruelty, with tomahawks to scalp our countrymen on their frontier on the one side; and they had 1,400 miles of exposed frontier on the sea-board, to any part of which British ships and soldiers could easily approach, and kill, wound, burn and destroy. But there is no approaching us with hostile forces; only three quarters of a mile are open on the St. Lawrence, below Quebec, the strength of which is greatly overrated; on the north we have eternal frosts, and rocks, and forests, and on the west and south we have the free republics; the Indians, few in number, are our firm friends, and, with the exception of a miserable minority of trembling officials, we have no enemies of freedom in the Canadas.

We do not mean to deny that there are Tories. But will they dare to lift a musket against their country? Will they touch Head's guns and pikes, and swords and spears, imported to shed the blood of their friends and neighbours? No, not they; they are proprietors; they have read the lessons of history; they well know that reformers seek no man's wealth, no man's substance, no man's fair fields; but they also know, that if found in the act of fighting against the people, to uphold despotism, they would lose their lands, be banished the country as traitors, and their wealth used to defray the expense of the unnatural and cruel contest their covetousness had given rise to. Some say the Orangemen will assist in involving Canada in civil war, and will stand by Head in coercing the rest of the people; the Orangemen, as compared to the whole people, are but a handful, and many of them own land, which it would be inconvenient with them to part with, by fighting against the cause for which their forefathers spilt their blood, "British freedom," the boon we all seek. Besides, the Queen and her ministers treat them with contempt, disgrace their leaders, and turn them and their principles into ridicule, because they are weak in Ireland. The Catholics it is unnecessary to say anything of. When was an Irish Catholic found in the ranks of tyranny?

ADDITIONAL DOCUMENTS not particularly referred to in the Report, but appended by the Committee, as affording information on the subjects treated of.

The following was circulated in a hand-bill by Mr. M'Kenzie among his followers, immediately before the outbreak of rebellion in Upper Canada:—

INDEPENDENCE!

There have been nineteen strikes for independence from European tyranny on the Continent of America; they were all successful! The Tories, therefore, by helping us will help themselves.

The nations are fallen, and thou still art young,
Thy sun is but rising when others have set;
And tho' slavery's cloud o'er thy morning hath hung,
The full tide of freedom shall beam round thee yet.

Brave Canadians! God has put into the bold and honest hearts of our brethren in Lower Canada to revolt, not against "lawful" but against "unlawful authority." The law says we shall not be taxed without our consent by the voices of the men of our choice; but a wicked and tyrannical government has trampled upon that law, robbed the exchequer, divided the plunder, and declared that, regardless of justice, they will continue to roll their splendid carriages and riot in their palaces at our expense; that we are poor, spiritless, ignorant peasants, who were born to toil for our betters. But the peasants are beginning to open their eyes and to feel their strength; too long have they been hoodwinked by Baal's priests, by hired and tampered-with preachers, wolves in sheep's clothing, who take the wages of sin and do the work of iniquity, "each one looking to his gain in his quarter."

Canadians!

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Canadians ! Do you love freedom ? I know you do. Do you hate oppression ? Who dare deny it ? Do you wish perpetual peace and a government founded upon the eternal heaven-born principle of the Lord Jesus Christ, a government bound to enforce the law to do to each other as you would be done by ? Then buckle on your armour, and put down the villains who oppress and enslave our country ; put them down in the name of that God who goes forth with the armies of his people, and whose Bible shows us that it is by the same human means whereby you put to death thieves and murderers, and imprison and banish wicked individuals, that you must put down, in the strength of the Almighty, those governments which, like these bad individuals, trample on the law and destroy its usefulness. You give a bounty for wolves' scalps ; why ? because wolves harass you. The bounty you must pay for freedom (blessed word) is to give the strength of your arms to put down tyranny at Toronto. One short hour will deliver our country from the oppressor, and freedom in religion, peace and tranquillity, equal laws and an improved country, will be the prize. We contend that in all laws made, or to be made, every person shall be bound alike ; neither should any tenure, estate, charter, degree, birth or place, confer any exemption from the ordinary course of legal proceedings and responsibilities whereunto others are subjected.

Canadians ! God has shown that he is with our brethren, for he has given them the encouragement of success. Captains, colonels, volunteers, artillerymen, privates, the base, the vile hirelings of our unlawful oppressors, have already bit the dust in hundreds in Lower Canada ; and although the Roman Catholic and episcopal bishops and archdeacons are bribed by large sums of money to instruct their flocks that they should be obedient to a government which defies the law, and is therefore unlawful, and ought to be put down, yet God has opened the eyes of the people to the wickedness of these reverend sinners, so that they hold them in derision, just as God's prophet Elijah did the priests of Baal of old and their sacrifices. Is there any one afraid to go to fight for freedom ? Let him remember that

God sees with equal eye, as Lord of all,
A hero perish, or a sparrow fall ;

that the power that protected ourselves and our forefathers in the deserts of Canada, that preserved from the cholera those whom he would, that brought us safely to this continent through the dangers of the Atlantic waves, aye, and who has watched over us from infancy to manhood, will be in the midst of us in the day of our struggle for our liberties and for governors of our free choice, who would not dare to trample on the laws they had sworn to maintain. In the present struggle we may be sure that, if we do not rise and put down Head and his lawless myrmidons, they will gather all the rogues and villains in the country together, arm them, and then deliver our farms, our families, and our country to their brutality ; to that it has come ; we must put them down, or they will utterly destroy this country. If we move now as one man, to crush the tyrant's power, to establish free institutions, founded on God's law, we will prosper, for He who commands the winds and waves will be with us ; but if we are cowardly and mean-spirited, a woeful and a dark day is surely before us.

Canadians ! The struggle will be of short duration in Lower Canada, for the people are united as one man. Out of Montreal and Quebec they are as 100 to 1 ; here we reformers are as 10 to 1, and if we rise with one consent to overthrow despotism, we will make quick work of it.

Mark all those who join our enemies, act as spies for them, fight for them, or aid them ; these men's properties shall pay the expense of the struggle ; they are traitors to Canadian freedom, and as such we will deal with them.

Canadians ! It is the design of the friends of liberty to give several hundred acres to every volunteer ; to root up the unlawful Canada company, and give free deeds to all settlers who live on their lands ; to give free gifts of the clergy reserve lots to good citizens who have settled on them, and the like to settlers on Church of England glebe lots, so that the yeomanry may feel independent and be able to improve the country, instead of sending the fruit of their labour to foreign lands. The 57 rectories will be at once given to the people, and all public lands used for education, internal improvements, and the public good ; 100,000 *l.* drawn from us in payment of the salaries of bad men in office will be reduced to one quarter, or much less, and the remainder will go to improve bad roads and to make crooked paths straight ; law will be ten times more cheap and easy, the bickerings of priests will cease with the funds that keeps them up, and men of wealth and property from other lands will soon raise our farms to four times their present value. We have given Head and his employers a trial of 45 years, five years longer than the Israelites were detained in the wilderness. The promised land is now before us ; up, then, and take it ; but set not the torch to one house in Toronto unless we are fired at from the houses, in which case self-preservation will teach us to put down those who would murder us when up in the defence of the laws. There are some rich men now, as there were in Christ's time, who would go with us in prosperity, but who will skulk in the rear, because of their large possessions ; mark them ! they are those who, in after years, will seek to corrupt our people and change free institutions into an aristocracy of wealth, to grind the poor, and make laws to fetter their energies.

Mark my words, Canadians ! The struggle is begun ; it might end in freedom, but timidity, cowardice, or tampering on our part, will only delay its close. We cannot be reconciled to Britain ; we have humbled ourselves to the Pharaoh of England, to the ministers, and great people, and they will neither rule us justly nor let us go ; we are determined never to rest until independence is ours : the prize is a splendid one. A country larger than

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France or England, natural resources equal to our most boundless wishes ; a government of equal laws, religion pure and undefiled, perpetual peace, education to all, millions of acres of lands for revenue, freedom from British tribute, free trade with all the world ; but stop ! I never could enumerate all the blessings attendant on independence.

Up, then, brave Canadians ! Get ready your rifles, and make short work of it. A connection with England would involve us in all her wars, undertaken for her own advantage, never for ours ; with governors from England we will have bribery at elections, corruption, villainy and perpetual discord in every township, but independence would give us the means of enjoying many blessings. Our enemies in Toronto are in terror and dismay ; they know their wickedness and dread our vengeance. Fourteen armed men were sent out, at the dead hour of the night, by the traitor Gurnett, to drag to a felon's cell the sons of our worthy and noble-minded brother departed, Joseph Sheppard, on a simple and frivolous charge of trespass, brought by a Tory fool ; and though it ended in smoke, it showed too evidently Head's feelings. Is there to be an end of these things ? Aye, and now's the day and the hour ! Woe be those who oppose us, for "In God is our trust."

F. B. HEAD.

Militia General Order.

Government House, 9 December 1837.

HIS Excellency the Lieutenant-Governor apprehends, from recent accounts, that it may be necessary for the militia of this Province to unite their efforts to those of their brave and loyal fellow subjects of Lower Canada, in order to put down rebellion, and to maintain the integrity of the glorious empire of Great Britain.

HIS Excellency therefore directs that, upon the requisition of the commander of Her Majesty's forces in Lower Canada, the colonel or officer commanding any regiment of militia in the Bathurst, Johnstown, Ottawa, or Eastern districts respectively, shall take all the measures in his power, agreeably to the militia laws of the Province, for furnishing whatever number of men may be required for military service, in aid of the Queen's forces or the militia of Lower Canada in either Province.

HIS Excellency relies upon the zeal, loyalty, and bravery of the militia of Upper Canada, for rendering effectual service to their sovereign, and maintaining that character which his Excellency is aware has distinguished them wherever they have been called into the field.

HIS Excellency is further pleased to authorize the forming of any independent volunteer companies for the above service.

PETITION addressed to Colonel *Mac Nab*, by Rebels in the London District.

To *Allan Napier Mac Nab*, Esq., Colonel Commanding the Queen's Forces in the London District, &c. &c. &c.

The humble petition of certain inhabitants of the township of Norwich, lately in arms against the Government of this Province—

SHEWETH :—That, we, your petitioners, being truly sensible of the great error and wickedness which we have lately committed, in taking up arms against her Majesty's Government ; a Government on whose part we do not pretend to say that we have any real wrongs or grievances to complain of, but we have been led away by Charles Duncombe, Eliakim Malcolm, and other wicked and designing leaders, who have induced us by promise of large grants of land and great pay for our services, to take up arms against her Majesty's Government, and who have now basely deserted us, and left us to answer with our lives and properties for those crimes which they have themselves committed ; do therefore most humbly beseech you, Sir, to take our case into your kind consideration, and to intercede with his Excellency the Lieutenant-Governor of this Province, to grant us a pardon for our offences.

We acknowledge ourselves to be completely subdued, and we throw ourselves entirely upon your mercy ; and we hereby promise, one and all, if such mercy be extended to us, that we will from henceforth live as peaceable and loyal subjects to the Government of her Majesty Queen Victoria, and that we will not only bring in our arms, but also use our utmost endeavours to apprehend the ringleaders of the late insurrection, and bring them to justice.

We are thus induced to address you, Sir, not only from the exalted position which you hold as the first Commoner in the land, and Commander of the Queen's forces in this part of the Province, but also from our knowledge of your kind and benevolent disposition, of which we have had ample proof in the protection of the lives and properties of the inhabitants, since your arrival amongst us, and which we trust you will exert in our behalf, to relieve us from our present unfortunate situation : And we, your petitioners, as in duty bound, will ever pray, &c.

Signed by one hundred and three petitioners.

PROCLAMATION.

Three hundred acres of the most valuable lands in Canada will be given to each volunteer who may join the Patriot Forces now encamped on Navy Island, U. C. Also, \$100 in silver, payable on or before the 1st of May next.

By order of the Committee of the Provincial Government.

W. L. Mackenzie,

Chairman pro. tem.

Navy Island, Tuesday, Dec. 19, 1837.

SPECIAL MESSAGE, from the Honorable *W. L. Marcy*, Governor of the State of New York, on the subject of the Capture of the Piratical Steam-Boat "*Caroline*:" dated Albany, 2 January 1838.—*Vide* page 95.

MESSAGE of the President of the United States, on the subject of the Capture of the Piratical Steam-Boat "*Caroline*."

House of Representatives.

Monday, January 8.

The following Message in writing was received from the President of the United States :

To the Senate and House of Representatives, United States :

IN the highly excited state of feeling on the northern frontier, occasioned by the disturbances in Canada, it was to be apprehended that causes of complaint might arise on the line dividing the United States from her Britannic Majesty's dominions. Every precaution was therefore taken on our part authorized by the existing laws, and as the troops of the provinces were embodied on the Canadian side, it is to be hoped that no serious violation of the rights of the United States would be permitted to occur. I regret, however, to inform you, that an outrage of a most aggravated character has been committed, accompanied by a hostile though temporary invasion of our territory, producing the strongest feelings of resentment on the part of our citizens in the neighbourhood, and in the whole border line, and that the excitement previously existing had been alarmingly increased. To guard against the possible recurrence of any similar act, I have thought it indispensable to call out a portion of the militia to be posted on that frontier. The documents herewith presented to Congress will show the character of the outrage committed, the measures taken in consequence of its occurrence, and the necessity of resorting to them.

It will also be seen that the subject was immediately brought to the notice of the British Minister accredited to this country, and the proper steps taken on our part to obtain the fullest information of all the circumstances leading to and attendant upon the transaction preparatory to a demand for reparation. I ask such appropriations as the circumstances in which our country is thus unexpectedly placed require.

M. Van Buren.

Washington, 8 January 1838.

LETTER from Mr. *Forsyth* to Mr. *Fox*, relating to the Capture of the Piratical Steam Boat "*Caroline*."

Department of State, Washington,
5 January 1838.

Sir,

By the direction of the President of the United States, I have the honor to communicate to you a copy of the evidence furnished to this department, of an extraordinary outrage committed from her Britannic Majesty's Province of Upper Canada, on the persons and property of citizens of the United States, within the jurisdiction of the State of New York. The destruction of the property, and assassination of citizens of the United States on the soil of New York, at the moment when, as is well known to you, the President was anxiously endeavouring to allay the excitement, and earnestly seeking to prevent any unfortunate occurrence on the frontier of Canada, has produced upon his mind the most painful emotions of surprise and regret. It will necessarily form the subject of a demand for redress upon her Majesty's Government. This communication is made to you under the expectation that through your instrumentality, an early explanation may be obtained from the authorities of Upper Canada, of all the circumstances of the transaction; and that, by your advice to those authorities, such decisive precautions may be used as will render the perpetration of similar acts hereafter impossible.

Not doubting the disposition of the Government of Upper Canada to do its duty in punishing the aggressors, and preventing future outrage, the President, notwithstanding, has deemed it necessary to order a sufficient force upon the frontier, to repel any attempt of a like character, and to make known to you that if it should occur, he cannot be answerable for the effects of the indignation of the neighbouring people of the United States.

I take this occasion to renew to you the assurance of my distinguished consideration.

To Henry S. Fox, Esq., &c.

John Forsyth.

SPEECH of Mr. *Rhett*, Senator, *South Carolina*, in the *United States Senate*, on the subject of the Capture of the "*Caroline*."

MR. RHETT deprecated any premature expression of opinion on the subject. He thought the House should, in the first place, look at the matter calmly, and ascertain who was to blame. One gentleman has said it was the fault of the administration, another gentleman had laid it all on Great Britain, while others had taken a different view. Under these circumstances, he considered it highly important that it should be carefully investigated, and ascertained where the blame really lay. Was it with the Administration?—Candor, certainly, would declare not, whilst not a regular soldier was available at his command; and the civil officers on the frontier, who had been called upon to repress the excitement, appear by their conduct to have been the instruments of increasing and continuing it. How, Sir, asked Mr. R., had the difficulty commenced? Was it not caused by a fugitive from Canada,

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a traitor according to the laws of his country, for whose head a price had been offered, coming over the lines into the United States, and in open day, in the streets of Buffalo, by his inflammatory speeches, inducing the citizens of the United States to take up arms, and assist in a rebellion of the subjects of a friendly power, who was rightfully endeavouring to maintain her institutions?

This fugitive had not only been harboured and entertained by us, but recruits from amongst our citizens were openly mustered to his standard. Now have we forgotten the laws of nations, as we applied them when General Jackson seized upon Pensacola, because her authorities harboured our Indian enemy, and furnished them with munitions of war? He then ably demonstrated, by the gentleman from Massachusetts, then Secretary of State, that for such a cause we had a right to take possession by the sword of the city of a friendly nation: and have the citizens of Buffalo done less than the Governor of Pensacola? He commented at some length on the law of nations, as far as related to the pursuit of enemies over neutral ground, and the practice of our own Government in such cases. He said it would be well for gentlemen to reverse the matter, and to suppose ourselves in the situation of the Canadas. Suppose the subjects of Great Britain should gather together upon our frontiers, in combination with some discontented factious citizens, with the avowed purpose of overturning our republican institutions, how would we bear it? and how would we tolerate the idea that munitions of war, provisions and fire-arms, should be furnished these our enemies by British subjects? Unquestionably we would consider ourselves as grossly wronged, and would be very slow in recognizing any spirit of friendship as dictating such means.

We would not look to individuals—we would properly look to the Government, whose duty it was to control its citizens. Inefficiency was no plea, for then we ought to cease our existence amongst the family of nations. As to the steam-boat affair, before he made up his opinion as to any outrage committed by the British soldiery, he must know all the facts. Should it turn out that this steam-boat was actually in the possession of the hostile islanders, used for carrying articles contraband of war, he was not sure that the act was not perfectly justifiable according to the laws of nations. At all events it was a gallant enterprize, and such as, he doubted not, every bold man on this floor would have deemed himself morally justifiable in undertaking. But we were ignorant of all the facts. So far, however, as they were known, the citizens of the United States were aggressors throughout. As they would get all the glory, they should also take all the responsibility, in defiance of the laws of their country, of assailing a friendly nation.

Mr. R. was not going into a war upon such indefensible causes. One war, with a debt of 180 millions, was enough for one generation. War was dangerous to the liberty of any people, but especially so under our free institutions, whose very existence was based upon a jealousy of power accumulated in the hands of Government. In this affair we had, so far, nothing to be proud of. We had been the first aggressors, and should act the part of an honourable aggressor, knowing that we were wrong. Mr. R. concluded by urging on the house to pursue an honest policy, and to exhibit an upright, honourable bearing on the subject, worthy of a free and enlightened nation.

MESSAGE

Of his Excellency Sir *F. B. Head* to the Legislative Council and House of Assembly, acquainting them of his Resignation of the Government, with their Addresses in answer thereto.

F. B. HEAD.

THE Lieutenant-Governor informs the Legislative Council, that in consequence of this Province being invaded and assailed by a foreign enemy, and being the scene of actual military operations, Colonel Foster, the officer in command of her Majesty's land forces, has assumed the entire military authority and command over the troops; that he is also in command of the militia; and that the Commissary-General at Quebec has communicated to the officer in charge of the Commissariat here, that consistently with the rules of the service, no expenses can be allowed unless sanctioned by the authority of the military commander, upon whom the protection of the Province has thus necessarily devolved.

The Lieutenant-Governor takes this opportunity to communicate to the Legislative Council, that having had the misfortune to differ from Her Majesty's Government on one or two points of colonial policy, he felt it his duty, on the 10th of September last, respectfully to tender to her Majesty's Principal Secretary of State for the colonies, the resignation of the important station which for a short time he has had the honour to hold in this province.

His resignation having been graciously accepted, the Lieutenant-Governor has to inform the Legislative Council, that he yesterday received official information that Her Majesty has been pleased to appoint Colonel Sir George Arthur to be Lieutenant-Governor of Upper Canada, and that his Excellency may be expected to arrive here in a few days.

Under the peculiar circumstances in which the Province is at present placed, the Lieutenant-Governor feels confident, that the Legislative Council will rejoice with him at the approaching arrival of an officer of high character and considerable experience, whose rank in the army will enable him to combine the military command with the civil government of this province.

Government House, 1st January 1838.

[A similar message to the House of Assembly.]

AFFAIRS OF LOWER CANADA, &c.

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Lord Glenelg,
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To his Excellency Sir *Francis Bond Head*, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant-Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency:

WE Her Majesty's dutiful and loyal subjects, the Legislative Council of Upper Canada, in Provincial Parliament assembled, beg to return our respectful thanks to your Excellency for communicating to us the fact, which is at this crisis particularly important, that by the regulations of Her Majesty's service the command of the troops, and of the militia employed in defence of this Province, can not be united in your Excellency's person with the administration of the civil government.

If your Excellency were to continue to represent Her Majesty in this colony, we are persuaded, that under the present circumstances, such a separation of the civil power from the military command would be likely to lead to very unfortunate results, since military rank and experience, although they are by no means incompatible with the peculiar qualifications which are requisite to give confidence, animation and effect to the military force, are not always to be found united with them.

We beg to assure your Excellency, that we learn with extreme regret that the civil government of this Province is to continue for so short a time in your Excellency's charge. It is not known to us upon what particular points your Excellency's views have differed so essentially from those of Her Majesty's Government that your Excellency was induced to tender your resignation; but we know, that at no period in the history of Upper Canada has its political condition been such as ought to be more satisfactory to the Ministers of the Crown: and we feel that not Upper Canada only, but the empire, owes to your Excellency a large debt of gratitude, for your firm and manly avowal, upon all occasions, of those sentiments which became the representative of a British Monarch, and for the unwavering support which your Excellency has never failed to give to the established principles of the Constitution.

It is this fearless adherence to right principles, rather than to expediency, which has enabled your Excellency to rally round the Government, in a moment of danger, the arms of an united people; and to exhibit this Province to our Sovereign and to the world, in a posture which must command for its brave and loyal inhabitants the highest admiration and respect.

If the result of your Excellency's firm and uncompromising policy shall impress upon Her Majesty's Government the conviction, that they need not fear to support in Upper Canada the principles of the British Constitution, it will have produced an effect of infinite value to this Colony; and will have supplied what we believe has been chiefly wanting to insure its permanent tranquillity.

But the Legislative Council cannot refrain from expressing the regret with which they have observed, in the case of your Excellency, and of your respected and gallant predecessor, that your connection with the Government of this Colony has seemed incapable of being protracted, with satisfaction to yourselves, beyond the period when it became evident that no submission would be made by you to a spirit of factious discontent, which nothing can appease but the destruction of British rule.

We beg your Excellency to believe, that the Legislative Council will ever entertain a grateful recollection of the justice and condescension which they have always had occasion to acknowledge in their intercourse with your Excellency; and that they participate deeply in the feeling of general regret at your Excellency's approaching departure from this Province.

Legislative Council Chamber,
17 day of January 1838.

John B. Robinson,
Speaker.

To his Excellency Sir *Francis Bond Head*, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency:

WE Her Majesty's dutiful and loyal subjects the Commons House of Assembly, in Provincial Parliament assembled, humbly thank your Excellency for your Excellency's message of the 15th instant, communicating to this House, that "in consequence of this Province being invaded and assailed by a foreign enemy, and being the scene of actual military operations, Colonel Foster, the officer in command of Her Majesty's land forces, has assumed the entire military authority and command over the troops; that he is also in command of the militia, and that the Commissary-General at Quebec has communicated to the officer in charge of the commissariat here, that consistently with the rules of the service, no expenses can be allowed unless sanctioned by the authority of the military commander, upon whom the protection of the Province has thus necessarily devolved."

In reference to this subject, we can only express our earnest hope that this regulation, which the rules of the service appear to have rendered necessary, may in no respect impair the efficiency of the operations hitherto planned and directed by your Excellency, with so much success for the preservation and defence of the Province against the attack of foreign and domestic enemies.

We are further informed by your Excellency, that having had the misfortune to differ from Her Majesty's Government on one or two points of Colonial policy, your Excellency felt it your duty, on the 10th of September last, respectfully to tender to her Majesty's principal Secretary

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Secretary of State for the Colonies, the resignation of the important station which for a short time your Excellency has had the honour to hold in this Province, and that your Excellency's resignation had been graciously accepted.

When this House recalls to recollection the events of your Excellency's administration of the affairs of this Province; the universal respect and confidence with which you are regarded, arising from your Excellency's firm and uncompromising adherence to the principles of the Constitution, and which has afforded to the inhabitants of this Colony various opportunities of proving, not by words merely, but by acts the most convincing and undeniable, their firm unshaken loyalty to their Sovereign, and their desire to maintain their connection with the parent State, in contradiction to assertions and insinuations of a contrary tendency, we cannot but view with alarm the disclosure now made, that your Excellency has felt yourself called upon to resign the administration of the Government, on the ground stated in your Excellency's message.

If your Excellency's measures and policy have not given satisfaction to our gracious Queen, we are driven to inquire, in the most humble and respectful, but solemn manner, what course of policy it is that is expected by Her Majesty, from Her Majesty's representative in this Province? Deeply impressed with the duty of submission to the constitutional exercise of the Royal Prerogative, we do not question the right of the Sovereign to select her representatives in this or any other Colony of the empire; but we nevertheless feel ourselves impelled by a sense of duty, suggested by a desire to maintain our allegiance, (and which, on our part, can never be laid aside or forgotten), humbly, but earnestly and emphatically to declare, that if anything be calculated to shake the attachment of Her Majesty's now truly loyal and devoted subjects to Her Royal Person and Government, it is by acts of injustice, or the manifestation of ungenerous distrust towards servants who have served the British nation so faithfully and nobly as your Excellency has done. It will be the duty of this House, before the close of the present session, and when more fully informed of facts, to express more at large the feelings and opinions they entertain on this painfully interesting and important subject.

In the meantime, we beg to assure your Excellency, that this House, and the people of the Province, will regard your Excellency's relinquishment of its Government as a calamity of the most serious nature, and which may result in difficulties and dissensions that cannot be easily repaired or reconciled. We however are fully persuaded, that the blame cannot rest with your Excellency; and while we sincerely and most willingly acknowledge the zeal, ability, justice and honourable disinterestedness, with which you have conducted the Government of this Province, during your short but eventful and arduous administration of its affairs, we beg respectfully and affectionately to express, on behalf of this Province, our earnest hope that your Excellency's prosperity in future life may be commensurate with the claims, deep and lasting as they are, upon our gratitude, the approbation of our gracious Queen, and the applause and acknowledgment of the British nation.

Commons House of Assembly,
16 day of January 1838.

H. Rattan.
Speaker.

EXTRACT

From the speech of Mr. *Papineau* to the Electors of the West Ward of Montreal, in July 1820, when he was returned, with Mr. *Garden*, without opposition.

"NOT many days have elapsed since we assembled on this spot for the same purpose as that which now calls us together, the choice of representatives. The opportunity of that choice being caused by a great national calamity, the decease of that beloved Sovereign who had reigned over the inhabitants of this country since the day they became British subjects, it is impossible not to express the feeling of gratitude for the many benefits received from him, and those of sorrow for his loss, so deeply felt in this, as in every other portion of his extensive dominions. And how could it be otherwise, when each year of his long reign has been marked by new favours bestowed upon the country. To enumerate these, and to detail the history of this country for so many years, would occupy more time than can be spared by those whom I have the honour to address. Suffice it, then, at a glance, to compare our present happy situation with that of our fathers on the eve of the day when George the Third became their legitimate monarch. Suffice it to recollect, that under the French Government (internally and externally arbitrary and oppressive) the interests of this country had been more frequently neglected and mal-administered than any other part of its dependencies. In its estimation, Canada seems not to have been considered as a country which, from fertility of soil, salubrity of climate, and extent of territory, might have been the peaceful abode of a numerous and happy population, but as a military post, whose feeble garrison was condemned to live in a state of perpetual warfare and insecurity; frequent suffering from famine; without trade, or with a trade monopolized by privileged companies; public and private property often pillaged, and personal liberty daily violated; when year after year the handful of inhabitants settled in this Province were dragged from their homes and families, to shed their blood, and carry murder and havoc from the shores of the great lakes, the Mississippi and the Ohio, to those of Nova Scotia, Newfoundland and Hudson's Bay. Such was the situation of our fathers: behold the change. George the Third, a Sovereign revered for his moral character, attention to his kingly duties, and love of his subjects, succeeds to Louis XV., a prince then deservedly despised for his debauchery, his inattention to the wants of his people, and his lavish profusion of the public monies upon favourites and mistresses. From that day, the reign of the law succeeded to that of violence; from that day,

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day, the treasures, the navy and the armies of Great Britain, are mustered to afford us an invincible protection against external danger; from that day, the better part of her laws became ours, while our religion, property, and the laws by which they were governed, remain unaltered; soon after are granted to us the privileges of its free constitution; an infallible pledge, when acted upon, of our internal prosperity. Now religious toleration; trial by jury, that wisest of safeguards ever devised for the protection of innocence; security against arbitrary imprisonment, by the privileges attached to the writ of habeas corpus; legal and equal security afforded to all, in their person, honour, and property; the right to obey no other laws than those of our own making and choice, expressed through our representatives; all these advantages have become our birth-right, and shall, I hope, be the lasting inheritance of our posterity. To secure them let us only act as British subjects and freemen.—*Quebec Gazette*, 1820.

— No. 30. —

(No 35.)

COPY of a DESPATCH from Sir *F. B. Head*, Bart. to Lord *Glenelg*.

My Lord,

Upper Canada, Toronto, 17 March 1838.

I HAVE the honour to transmit to your Lordship herewith, in compliance with the request of the House of Assembly, to be laid at the foot of the Throne, seven Addresses from that House to Her Most Gracious Majesty, passed during the late session; viz.

No. 30.
Sir F. B. Head to
Lord Glenelg,
17 March 1838.

1st. On the subject of the recent aggressions of citizens of the United States on the territory and people of this Province, with the Resolutions thereon.

2d. On the trade and commerce of the Province, with Resolutions.

3d. On the union and political state of Upper and Lower Canada, with Resolutions and Report of a select committee.

4th. On the repeal of an Act of the Imperial Parliament respecting bills of credit, so far as the same affects Upper Canada.

5th. On the proportion of duties due to Upper Canada on certain imports at the port of Quebec.

6th. On transferring to the debentures of the Province certain monies now funded in England.

7th. On transferring certain charges on the casual and territorial revenue to the Clergy Reserve Fund.

I have, &c.

(signed) *F. B. Head*.

Enclosure 1, in No. 30.

To the Queen's Most Excellent Majesty.

Most Gracious Sovereign,

WE, your Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, most humbly beg leave to transmit to Your Majesty certain Resolutions passed by this House, having reference to the state of affairs between this Your Majesty's Province of Upper Canada, and the United States of America (a nation held to be in peace and amity with Your Majesty's Government) which have transpired since the commencement of the late most foul and unnatural rebellion in this Province; and we do most humbly and earnestly beseech Your Majesty most graciously to be pleased to take such steps as shall in Your Majesty's wisdom be deemed necessary and effective in obtaining fit reparation to the British empire for the insult and injuries committed on Your Majesty's loyal subjects of this Province, as well as to protect them from similar aggression and injury for the time to come.

Encl. 1, in No. 30

Commons' House of Assembly,
15 Feb. 1838.*Allan N. MacNab*;
Speaker.

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No. 30.

Sir F. B. Head to
Lord Glenelg,
17 March 1838.

Encl. 1, in No. 30.

Resolved, That since the treaty of peace between Great Britain and the United States of America, and up to a very recent period, the inhabitants of this Province have lived upon terms of the most friendly intercourse with the citizens of the latter country.

Resolved, That American citizens, within a few weeks past, regardless of the feeling existing between the two countries, the faith of solemn treaties, and that state of peace which it was and is their duty to maintain, have, in open violation of these their sacred obligations, within their own territory, furnished, gratuitously, provisions and munitions of war, and have rendered every assistance within their power to a number of individuals (chiefly American citizens) who had assembled at Buffalo, in the state of New York, with the open and avowed intention of invading this Province, and of subverting our happy form of government.

Resolved, That even after this armed force had actually invaded Upper Canada by taking possession of Navy Island, in the River Niagara, belonging to Her Majesty, a constant communication was kept up between them and American citizens residing in the state of New York, who continued to furnish the invaders with provisions and arms, notwithstanding repeated representations to that effect, made by the officer in command of the forces on the Niagara frontier, to the proper authorities of the state of New York.

Resolved, That the invaders were permitted to fire and did actually fire from Fort Schlosser, and other points within the territory of the United States, upon British subjects in British boats, navigating the River Niagara, and that an American steam-boat, called the Caroline, was actually engaged in the service of the pirates on Navy Island, carrying cannon, men, and provisions from Fort Schlosser aforesaid, to the said island, with the full knowledge of the public authorities in the state of New York, without, as we believe, any effectual attempt on their part to interfere.

Resolved, That the gallant conduct of the persons engaged in cutting out and destroying the piratical steam-boat Caroline, while moored in the American waters, deserves the warmest approbation of the inhabitants of this Province; the said boat being, at the time, under the control and in the service of the pirates who were then on Navy Island, in Upper Canada, and having on board a guard belonging to them for its protection and defence.

Resolved, That the conduct of the grand inquest for the county of Niagara, in the state of New York, as stated in some of the American papers, in having recently found a bill of indictment for murder against certain of Her Majesty's subjects for having unavoidably killed certain persons on board the said steam-boat Caroline, while carrying into effect the orders of their commanding officer, and also against Colonel MacNab, the said commanding officer, when the said inquest must necessarily have been in possession of all the facts connected with the recent invasion of this Province by American citizens, is reprehensible in the highest degree, inasmuch as it is in contravention of international law, and was a direct sanction, by an important tribunal connected with the administration of justice, of the lawless proceedings of a piratical band, whose avowed object was the plunder and destruction of the inhabitants of a country at peace with the United States.

Resolved, That a body of the militia of the state of New York, stationed upon Grand Island, within that state, to preserve the neutrality of the American Government, as pretended by the American authorities, fired directly under the American flag, upon Lieutenant Elmsley, of the Royal Navy, and the boat's crew under his command, whilst engaged in sounding the river between Grand Island and this Province by the direction of his commanding officer.

Resolved, That three of her Majesty's subjects were killed on the shores of the Niagara frontier, in this Province, by shots fired by the pirates from Navy Island.

Resolved, That, at the time when these hostile operations were carrying on upon the Niagara frontier, certain other citizens of the United States enrolled themselves into several volunteer corps, under leaders called Generals Sutherland and Theller, and Colonels Handy, Roberts, and Dodge, with Captains Davis and Brophy, and others, at Cleveland, in the state of Ohio, as well as at Detroit, Monroe, Pontiac, and Mount Clemens, in the state of Michigan, and recruited, paraded, and drilled publicly, with the avowed purpose of invading the western district frontier, of destroying the British power and constitution there, of subverting our laws, and of serving in what they called "The great and glorious cause, the cause of liberty and the oppressed," and that they made a place called Gibraltar, in Michigan, on the River Detroit, nearly opposite to Fort Malden, in this Province, their headquarters, where they practised firing cannon, drilling, and exercising with fire-arms and otherwise, until the latter end of January last.

Resolved, That the above persons possessed themselves at various times of upwards of 200 stand of fire-arms and one cannon from Monroe, and of two cannon from Fort Gratiot; all which arms, ammunition, and cannon, were the property and in the custody of the United States; and they also possessed themselves of about 80 stand of arms, belonging to a company of soldiers, called the Brady Guard, in the city of Detroit, and of a schooner, called the Anne, from one of the wharfs in that city, without any opposition having been offered to them by the proper authorities in Michigan, and that they received aid and assistance in various ways from many wealthy and influential persons in that city.

Resolved, That the schooner above mentioned left the city of Detroit, in broad daylight, on Saturday the 6th of January last, full of men, arms, ammunition, and provisions, and having on board also three cannons for the expressly avowed purpose of attacking and taking Bois Blanc Island and Fort Malden, and that information of the fact was instantly and duly given by the magistrates of Sandwich, in this Province, to the governor of Michigan and the other authorities at Detroit, who, notwithstanding, failed or neglected to seize her, and to prevent the attacks hereafter mentioned.

Resolved,

Resolved, That on the night of the 8th of January last, a large body of American citizens (being a part of the forces stationed at Gibraltar, and in number upwards of 200) embarked with muskets, bayonets, and ammunition, and also with a cannon, in scows and boats to attack Bois Blanc Island, then defended by some of the volunteers and militia of this Province, and without the least provocation they fired two cannon-shots at the forces there (being the first hostile shot fired in the western district), and then retired to the American shore, and in about two hours afterwards the schooner Anne, full of armed men, sailed up the British channel, between Bois Blanc and the town of Amherstburgh, and fired cannon-shots into that town.

Resolved, That on the following day a party of American citizens from Gibraltar (about 70 in number) invaded and took possession of Bois Blanc (but from which place they afterwards escaped in their boats on seeing that the militia and volunteers at Malden were preparing to go over from Amherstburgh to attack them), and they carried from the dwelling of Her Majesty's lighthouse-keeper there all his and his wife's wearing apparel, besides other articles; and in the evening of the same day the schooner Anne, with upwards of 20 armed men on board (almost all of whom were American citizens, attacked the town of Amherstburgh and the militia and volunteer forces assembled there for its defence, and fired at them 12 or 14 rounds of cannon-ball, grape, and canister, besides a great number of musket-shots, which was returned by the rifles and muskets of the gallant militia and volunteers, to whom she surrendered in about an hour after the action commenced, having several killed and 21 made prisoners (including General Theller, Colonel Dodge, and Captains Davis and Brophy), also having on board three cannon, about 200 stand of arms, and a large quantity of ammunition, stores, and provisions.

Resolved, That all the circumstances detailed in the five last Resolutions occurred within 20 miles of the city of Detroit, which is the seat of government of the state of Michigan, and that although the government and the authorities of that state were apprised of what was likely to happen, they were either unable or unwilling to prevent such occurrences.

Resolved, That an humble address be forthwith presented to Her Majesty (to be transmitted with these Resolutions) humbly but earnestly praying that Her Majesty will be pleased to take such steps as shall be necessary to obtain fit reparation to the British empire for the insult and injuries committed on Her Majesty's subjects in this Province, as well as to protect the inhabitants of Upper Canada from similar aggression and injury for the time to come.

Thomas Radcliff, of the township of Adelaide, in the county of Middlesex, in the London district of Upper Canada (a colonel in the militia of this province commanding on the western district frontier, but now at Toronto), and *John Prince*, of Sandwich, in the county of Essex, in the said western district (a lieutenant-colonel of militia on the same frontier, but now attending at Toronto as a member of the Provincial Legislature), jointly and severally make oath and say:—

And first this deponent John Prince, for himself says, that in the month of December last rumours were afloat in the western district, that certain traitors and rebels who had fled from this country to the United States of America, as well as great numbers of the citizens of those states, were congregating in and near the city of Detroit, and in various other parts of Michigan, and were enrolling and drilling volunteers, and supplying them with arms and munitions of war, for the express purpose of invading the western district of this Province; and this deponent having instituted a minute inquiry into the subject, found that the reports were true; and being one of the members for the said county of Essex, and also chairman of the quarter sessions, he felt it his duty to convene a public meeting of the magistrates and chief persons in his neighbourhood on the 20th day of December last, when resolutions were unanimously passed for calling out the militia forces, and for putting the frontier in as good a state of defence as circumstances so urgent would admit of.

And this deponent says, that having been some days afterwards credibly informed by those on whom he could rely (and of which facts he had not the slightest doubt), that a large number of citizens of the United States of America, but more especially of the state of Michigan, had enrolled and were daily enrolling themselves as volunteers, under leaders styled Generals Sutherland and Theller, Colonels Roberts, Handy, and Dodge, and Captains Davis, Brophy, Townsend, and others at Cleveland, in the state of Ohio, and in the city of Detroit, and at Monroe, Pontiac, and Mount Clemens, in the state of Michigan, and that they recruited, paraded, and drilled in public under arms, and with the avowed purpose of invading this Province, of destroying the British power and constitution here, of subverting our laws, and of serving in what they publicly proclaimed in a printed handbill (a copy whereof is hereunto annexed, and signed and certified by this deponent to be true), the "great and glorious cause, the cause of liberty and the oppressed;" and that they made a place called Gibraltar, in Michigan, on the River Detroit, nearly opposite to Fort Malden, in this Province, their head-quarters, where they continually practised firing cannon, drilling, and exercising with fire-arms and other weapons. He, this deponent, informed his Excellency, Stevens T. Mason, governor of the state of Michigan, of what was going on; and that although they were prepared to meet any attack, he nevertheless called upon him (the governor) to enforce the laws of the United States and preserve the peace, and his Excellency declared he would do so.

And this deponent also says, that while these things were going forward he was informed by persons sent by him, and other authorities in Sandwich and the neighbourhood, to obtain all the information they could of the proceedings in Michigan (and on the truth and correct-

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ness of whose information he and his friends implicitly relied), that the citizens, traitors, and rebels above mentioned possessed themselves at various times of upwards of 200 stand of fire-arms (chiefly muskets and bayonets) from the gaol in the city of Detroit, and of a waggon-load of gunpowder and ammunition from a place called the Powder-house in that city; also of another large quantity of fire-arms and one cannon from Monroe, and of two cannon from Fort Gratiot; and that all such arms, ammunition, and cannon were the property and in the custody of the United States Government; and that they also possessed themselves of about 80 stand of arms belonging to a company of volunteers called the Brady Guard, in the city of Detroit, and of a schooner called the Ann from one of the wharfs in that city, without any serious opposition from the authorities of Michigan; and that they received pecuniary and other assistance from many of the wealthy and influential citizens of that state.

And this deponent also says, that about 10 o'clock in the morning of Saturday the 6th day of January last, he saw a schooner deeply laden and full of men proceeding down the River Detroit opposite to Sandwich, under the American shore, and towed by boats; and suspecting her, and having caused inquiries to be made about her, he was informed that she was the schooner Ann above mentioned, and that she had left Detroit that morning in broad daylight, full of men, arms, ammunition, and provisions, and with three cannon on board, for the avowed purpose of joining the forces concentrated at Gibraltar, and of invading and taking Bois Blanc Island and Fort Malden, in this Province; whereupon deponent wrote to Governor Mason a letter (a true copy whereof, marked (A.), is hereunto annexed, and certified under this deponent's hand to be correct); and some hours afterwards he received from Governor Mason a reply (a true copy whereof, marked (B.), is hereunto annexed), and is also certified under his hand to be correct.

And this deponent also says, that on that same evening he saw the marshal or officer who had been sent by Governor Mason in search of the schooner as mentioned in his Excellency's letter; and on inquiring what had been done in the business, he (the marshal) replied that they went within a few rods of the schooner and hailed her, but the men on board informed him, that if his boat (which was a ferry steam-boat called the United, plying between Sandwich and Detroit, and open for the use of both countries) came any nearer to them they would fire on her; and that he and the authorities whom he took from Detroit with him being without arms, and only 25 in number, and seeing that the schooner had cannon on board, thought it prudent to return at once to Detroit without attempting to capture her. But this deponent says, that in conversation which he had with the man called Captain Davis (who was afterwards made a prisoner when the schooner was taken a few days subsequently, as will hereafter appear), he (Davis) deliberately and distinctly stated in the presence of this deponent, of the other deponent Colonel Radcliff, and also of several officers and other persons at Malden, that upon the occasion above mentioned the marshal, with his men and boat, did not approach nearer than within half a mile of the schooner, and that four or five men on the boat's deck gave three cheers (which he (Davis) considered as cheers of approval of their expedition), and that the boat then turned round and went towards Detroit, and they saw no more of her.

And this deponent also says, that soon after 12 o'clock on that same night of the 6th of January last he embarked in the said steam-boat called the United (which he impressed for that service) with about 160 volunteers under arms, for the purpose of defending Malden and Bois Blanc from the threatened invasion, and that he was on duty there throughout the whole of the two following days and nights; and having received from a scout certain information respecting the said schooner and the invaders, he wrote another letter early in the morning to Governor Mason (a true copy whereof, marked (C.), is hereunto annexed, and certified under this deponent's hand to be correct), and he despatched a messenger with it to Detroit.

And deponent says, that about an hour after sunset on the same evening he saw by moonlight two boats and a large scow filled with armed men (in number, as he afterwards ascertained, about 250), and having cannon on board, pull off from an island belonging to the United States of America towards Bois Blanc; and when they approached within about 400 yards of the latter island (where he and other volunteers were prepared to meet them), they fired from the scow two cannon-shots into Bois Blanc, which rattled among the trees around the place where deponent and others waited to receive the enemy, and which was the first hostile shot fired on the western district frontier; and in about an hour afterwards they pulled back to the American shore, without attempting to land on or further interfere with Bois Blanc.

And deponent says, that in about two hours afterwards the said schooner Ann (which was in the offing about a mile below Bois Blanc during the above occurrence), full of armed men, sailed up the British channel between Bois Blanc and the town of Amherstburg, otherwise Fort Malden, and fired two cannon-shots into that town, and she was beaten off by rifle and musket-shots from the town.

And this deponent also says, that before daybreak on the following day he wrote another letter to Governor Mason, a true copy whereof, marked (D.), is also hereunto annexed, and certified under this deponent's hand to be correct; and on the next day he received from the governor two letters, marked (E.) and (F.), and also a letter from Mr. Swartz, true copies of which, and marked (E.), (F.), and (G.), are also hereunto annexed, and certified in like manner to be correct.

And these deponents, John Prince and Thomas Radcliff, for themselves jointly and severally say, that on Tuesday the 9th day of January last, a large body of the invaders from the opposite shore of Michigan landed on Bois Blanc, and proceeded to the residence of Her Majesty's

Majesty's lighthouse-keeper there, and carried off all his and his wife's wearing apparel and other articles, but decamped before they could be attacked or taken by the volunteer or militia forces; and on the same day the aforesaid schooner *Ann*, with upwards of 20 armed men on board (almost all of whom turned out to be American citizens), attacked the town of Amherstburg, and the militia and volunteer forces assembled there for its defence, and fired at them 12 or 14 discharges of cannon-ball, grape, and canister-shots, besides a great number of musket-shots, which was returned by the rifles and muskets of the militia and volunteers, who at length succeeded in capturing her in about an hour after the action commenced, having first killed several of her crew and made 21 prisoners, and taking from her three cannon, besides a large quantity of arms and ammunition and some provisions. And these deponents also say, that the occurrences above detailed took place on the River Detroit, and at a distance not exceeding 20 miles from the city of that name, which is the capital and the seat of government of the state of Michigan.

And this deponent, John Prince, further says, that having received certain despatches informing him of the movements of the invaders from Navy Island, on the Niagara frontier of this Province, towards the western district frontier, he thought it prudent to give Governor Mason notice of such movements, and he wrote a letter to that governor, a true copy whereof, marked (H.), is hereunto annexed, and certified by deponent to be correct; and he received in answer two letters, one from Governor Mason and the other from Mr. Goodwin, the district attorney of Michigan; and the copies hereunto annexed, marked (I.) and (J.), are true copies of such letters, and certified by this deponent to be such.

And this deponent lastly says, that he has been credibly informed, and he verily believes that the enrolment of American citizens with rebels, traitors, and fugitives from this Province is now and has been for some time past carrying on in Michigan, for the express purpose of collecting a force to invade this Province to commit murder, rapine, and plunder, to sever this colony from the Crown of Great Britain, to upset our laws and constitution, and to attempt to impose upon Her Majesty's true and loyal subjects here a republican form of government; and yesterday received information on which can positively rely, that they lately captured and carried away from a boat lying near the head of Lake Erie on the American shore upwards of 100 barrels of flour belonging to Her Majesty, and on its way to Malden for the use of the militia and other forces there.

(signed) *Thomas Radcliff*,
Col. Commanding W. Dist. Frontier.

(signed) *John Prince*, Lt.-Colonel.

Sworn by the above deponents, John Prince and Thomas Radcliff,
at the city of Toronto in Upper Canada, this 15th day of February
1838, before me

(signed) *John Powell*,
Mayor of the City of Toronto, U. C.

To the Citizens of Detroit.

On behalf of a body of men under my command, from Cleveland, Ohio, led here by General Sutherland, to serve in what we considered, and do still consider, a great and glorious cause, the cause of liberty and the oppressed, I am induced to address you, and appeal to your generosity.

We embarked our little all in the glorious cause we came to serve. We have lost it; we have never shrunk from encountering any hardships, difficulties, or dangers that we had leaders to carry us into. We are now disbanded and left destitute, strangers in a strange land, to either beg, starve, or steal our way to our respective homes. In order to prevent the two last alternatives, we appeal to you as men and as brethren. It is as noble, it is as patriotic to prevent misery or crime at home, as to serve the cause of those who suffer under an oppressive government.

Respectfully.
(signed) *E. M. Townsend*,
Captain Cleveland Volunteers.

N. B.—Donations will be received at the bar of the National Hotel, the Exchange, or the American, or by the subscriber at the Jefferson House, Jefferson Avenue, where he will be happy to see his friends as soon as possible, and begs that they will understand we did not come without money and means.

(signed) *E. M. Townsend*.

I hereby certify the above to be a true copy of the printed hand-bill referred to in my affidavit.

(signed) *John Prince*.

(A.)

To his Excellency *Stevens T. Mason*, Governor of the State of Michigan.

Dear Sir,

Sandwich, U. C., 6 January 1838.

As the organ of the magistrates here, and by their desire, I lose not a moment to inform you that from clear and unquestionable authority, who were eye-witnesses to the fact last night,

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night, we learn that a schooner, laden with arms, ammunition, provisions, and from 80 to 100 men, left Detroit this morning on her way down the river, with the intention of either attacking this frontier, or taking possession of the islands belonging to our Sovereign, called Bois Blanc and Fighting Island, or one of them.

The schooner, I am informed, is call the Anne. She is at this moment slowly proceeding down the river, and close upon your side, below Spring-well, and is towed by a boat with several men in it. She has also two cannons on board. I am also credibly informed that a large body of men are met at Fort Gratiot, for the express purpose of joining the rebels and fugitives from this country, and that the steam-boat Macomb has proceeded from Detroit to afford them succour; and we are also correctly informed that our enemies possessed themselves last night, from the gaol in Detroit, of a large quantity of arms, and also of a waggon-load of gunpowder from the powder-house in your city. We are further correctly informed that they are raising volunteers, arms, and ammunition at Monroe to support the rebels and their adherents.

We rely on the sincerity of your declaration that you, as chief magistrate of the opposite state, will do all in your power to preserve the peace, to prevent your people from committing a breach of their laws, and to maintain the amity which at present subsists between Great Britain and the United States. We beg leave to repeat our former assertion, that we are prepared for any attack; but we again earnestly call upon you to take such immediate and energetic steps as will prevent bloodshed, and secure the peace of your countrymen and ours from being broken and destroyed. We at the same time beg to assure you, that no exertions on our part shall be wanting to attain that very desirable object; but unless prompt and immediate steps are taken, we will not conceal from you our firm conviction, that hostilities will have commenced, and blood be shed within the next few hours.

I have, &c.
(signed) *John Prince.*

I certify this to be a correct copy of the original letter.

(signed) *John Prince.*

(B.)

Dear Sir,

Detroit, 6 January 1838.

Your favour of this morning has been received. I most sincerely regret that matters are assuming so serious an aspect on our borders. We have despatched a marshal to seize the schooner now proceeding down the river. The Macomb was stopped, her captain arrested, her lading examined, but nothing could be found to justify detaining her in port. A deputy marshal has been despatched to Monroe, and one to Fort Gratiot, with authority to call out the power of the respective counties to arrest all persons found in arms. A meeting of our citizens will beheld at three o'clock this afternoon to enrol a volunteer force to aid in enforcing the laws in this city. I need not again express my determination to do all in my power to prevent the violation of the amity now existing between our Governments.

I am, &c.
(signed) *Stevens T. Mason.*

John Prince, Esq., Sandwich,
U. C.

I certify the above to be a true copy of the original letter.

(signed) *John Prince.*

(C.)

To Governor *Mason*, &c.

Bois Blanc Island, U. C., Malden, 8 Jan. 1838.

6 o'Clock, A. M.

Dear Sir,

On the return of the steam-boat United from her unsuccessful attempt last Saturday to bring back to Detroit the schooner Ann, pursuant to your Excellency's instructions, three companies of our militia, besides several volunteers (of whom I form one), proceeded to Amherstburg, with a view of defending that town, and in the hopes of meeting the rebels and their adherents and supporters at this place.

But I regret to say that we have for the present been disappointed.

I, however, deem it proper to inform your Excellency, as governor of the state of Michigan, that the above-mentioned schooner was at anchor last evening opposite the lower end of Grosse Isle, at a wharf near Gibraltar, and that she had on board several hundred stand of arms, being no doubt the same arms of which she possessed herself from the gaol at Detroit. There are, moreover, many hundreds of our enemies there, and they have some heavy cannon, which they fired about ten times last evening, and twice during the night; all these facts are within our knowledge.

From the conversation which my friend, Mr. Charles Baby, had with your Excellency on Saturday last, I was greatly in hopes that the schooner and her cargo, as well as many of her crew would, ere this, have been taken under your authority and dealt with according to law.

I now, with the concurrence of my brother magistrates, beg to inquire whether your Excellency will permit our forces on this side to attack the schooner, with a view of taking her

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her and those who may attempt to defend her. If you consent to this our request, we will at once proceed to the attack; and we solicit this favour at your hands, because we are unwilling to commit any act which may be construed into aggression, or a breach by us of that amicable understanding which subsists between our Government and yours, notwithstanding our conviction that the men and schooner, and arms in question, are intended to act hostilely towards us.

Mr. Mercer (one of our magistrates) has undertaken to deliver this to your Excellency, and a reply by him will be thankfully received by your

Excellency's most obedient humble servant,
(signed) *John Prince.*

I certify the above to be a true copy of the original letter.

(signed) *John Prince.*

(D.)

To his Excellency *Stevens T. Mason*, Governor of the State of Michigan.

Dear Sir,

Amherstburg, U. C., 9 January 1838. 4 o'Clock, A. M.

I presume that you have received my letter of yesterday's date.

The enemy commenced his attack upon us about sunset last evening. His force, we are informed, consist of the schooner or sloop, believed to be the *Ann*, referred to in my former letter, also two scows and divers boats, a large schooner, three field-pieces, two 12-pounders, and one 6-pounder, besides a large quantity of arms, and some hundreds of men. One schooner (the *Ann*) sailed up in front of Amherstburg, along the British channel between the town and Bois Blanc, last evening. Our people fired upon her (knowing her to be an enemy), and she returned the salutation by two cannon-shots. The steam-boat *United*, which was very innocently bringing down some passengers from Sandwich to Amherstburg, was also complimented with two musket-shots from (as it is supposed) one of two American steamers proceeding up the river. The schooner, supposed to be the *Ann*, then steered from Amherstburg round the northern end of Bois Blanc. The large schooner is at anchor at the south end of Bois Blanc; and there are lights on Hickory Island, which induce a belief by us that she has moored near her the scows and small boats above referred to.

We assume that the enemy will possess himself (if he has not already done so) of Bois Blanc forthwith. He is lying at anchor opposite to us. We have no hesitation in pronouncing him to be regardless of all laws, and a plunderer and pirate. My object is to secure him, and to make him amenable to the laws of this country; and in the name of the civil authorities of Upper Canada, as well as in the name of common justice, I now call upon your Excellency, as the governor of Michigan, to assist us, the subjects of your natural ally, in preventing this enemy from touching upon or holding any intercourse with the shores of Michigan, whereby we hope to be enabled to capture her, and to bring her to that bar of justice which will deal with her according to her merits.

I have, &c.
(signed) *John Prince.*

I certify the above to be a true copy of the original letter.

(signed) *John Prince.*

(E.)

(Official.)

To the Magistrates of Sandwich, Upper Canada.

Gentlemen,

Executive Department, Detroit, 9 Jan. 1838.

The controversy now pending in the Province of Upper Canada, and immediately on the frontier of this state, is beginning to assume so serious a character, that I deem it my duty officially to communicate to you my position, relations, and duties in the premises.

Heretofore I have, as an individual rather than in my official capacity, expressed to you and others my desire to preserve the friendly relations existing between the Government of the United States and that of Great Britain; but in the ground now taken I maintain the position of governor of a sovereign and independent state of the American Confederacy. I will abide by it, and give you my assurance that I will not abandon that position.

You are perhaps well aware that the general government of the United States is composed of separate and independent states, with certain delegated powers to the federal head. Amongst these delegated powers are all the relations of peace and war, and intercourse with foreign nations. In furtherance of these powers which have been surrendered by the states, the general government have enacted certain laws for the preservation of neutrality and the guarantee of the faith of treaties between itself and other governments. The execution of these laws does not immediately belong to state authorities, but is vested in a district judge, district attorney, and marshal of the United States. When these officers call on me as the executive of the state of Michigan, conveying the information that the process of the United States' courts cannot be enforced without executive aid, my official duties begin, and not till then; but on every occasion where the contingency stated arises, you will find the constituted authorities of Michigan prompt and ready to discharge every duty incumbent upon them by the laws of their country.

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In obedience to the requisition made on the executive of this state, I have aided the marshal of the United States for this district, to enforce the process of his court, and have dispersed the armed force stated by you to have been assembled within the jurisdiction of this state in violation of the acts of the Congress of the United States. It will therefore readily occur to you that all further communication on this unpleasant subject must be addressed to the district attorney of the United States.

In reply to the immediate inquiries of your letter, I must state, that whilst all persons proceeding from this state, and found in arms within the jurisdiction of the Province of Upper Canada, have lost all claim to the protection of the laws of the United States and of this state; and whilst all intercourse between the United States and foreign powers belong to the federal government, I cannot permit, without resistance, any invasion upon the soil of the sovereign and independent state over which I preside as chief magistrate.

I am, &c.
(signed) *Stevens T. Mason.*

I certify the above to be a true copy of the original letter.

(signed) *John Prince.*

(F.)

To *John Prince*, Esq., Sandwich, U. C.

Dear Sir,

Detroit, 9 January 1838.

Your letter of this date has been received, and laid before the district attorney of the United States.

For your further information, I enclose you the copy of a letter which I have addressed to the magistrates of Sandwich, in reply to your communication of the same date.

Very respectfully, &c.
(signed) *Stevens T. Mason.*

I certify the above to be a true copy of the original letter.

(signed) *John Prince.*

(G.)

To the Civil Authority of Sandwich, U. C.

Adjutant-general's Office, Detroit, 8 January 1838.

I have the honour to inform you, by direction of his Excellency the Commander-in-Chief, that by 12 o'clock at noon this day, the steam-boats Brie and General Brady will leave this city, with a sufficient armed force, to proceed to the mouth of this river to enforce the laws of the United States against any armed men who attempt a violation of the same.

This communication is given with a view of informing you of the fact, that his Excellency the governor, who is with the detachment, will do all in his power to allay this unfortunate excitement, and that you may understand this movement.

Very respectfully, &c.
(signed) *J. E. Schwarz,*
Adjutant-general, Michigan.

I certify the above to be a true copy of the original letter.

(signed) *John Prince.*

(H.)

To his Excellency Governor *Mason*, Detroit.

Dear Sir,

The Park Farm, M. C., Thursday Morning, 25 Jan. 1838.

Since sealing my packet (No. 1.), I have received from Colonel Radcliffe, the officer commanding this western frontier, two despatches, copies of which I enclose for your Excellency's information, and for the information of your district attorney, to whom I take the liberty of requesting your Excellency to submit them, as I really cannot find time to make copies for him.

I learn from good authority, that the man calling himself General Sutherland is gone into the interior of Michigan (it is supposed in the direction of Pontiac), to raise volunteers. I do hope and trust that your authorities will arrest and secure him and his adherents, if possible. It is painful to reflect upon the immense expense attending the constant guarding of this country; upon whom that expense will eventually fall it is not for us, perhaps, to inquire at this moment; but I am sure your Excellency will agree with me in opinion, that it is the bounden duty of all good citizens and subjects to prevent the invasion of Upper Canada from being proceeded with, if possible, both with a view to save the effusion of human blood, and also the enormous cost of keeping thousands of men in arms. I beg to enclose a copy of some Acts which our Legislature has felt it incumbent upon them to pass in these disastrous and most critical times.

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If your Excellency has leisure to send one line by the bearer, merely to say that these papers have all reached you safely, I shall be thankful for it. I had much pleasure in receiving Mr. Norton yesterday, and I believe I shall have it in my power to render him the service he requires.

I remain, &c.
(signed) *J. Prince.*

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17 March 1838.

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I certify the foregoing to be a true copy of the original letter.

(signed) *John Prince.*

(I.)

To *John Prince, Esq.*

Detroit, 25 January 1838.

Dear Sir,

Your communications of this morning were duly received.

Accompanying this communication, you will receive a letter from the district attorney.

I hope, in the name of all that is just, that we are not to have the party from Navy Island on this frontier. Some time since I applied to the President for a military force at this point, and I expect every mail to bring the necessary orders to General Brady.

Respectfully, &c.
(signed) *Stevens T. Mason.*

I certify the above to be a true copy of the original letter.

(signed) *John Prince.*

(J.)

To *John Prince, Esq.*

Detroit, 25 January 1838.

Sir,

Governor Mason has just shown me certain letters transmitted him to-day in regard to movements contemplated against the Province of Upper Canada. You are fully apprised of the views of the authorities of the United States upon this subject, and their disposition to avert any such movement, and prevent any invasion of the Province from our territory. I can only say in addition, that efforts will continue to be made for that object, and to bring to trial and punishment those who may be concerned in violating the laws relating to this subject.

I have, &c.
(signed) *D. Goodwin, U. S.,*
Attorney for Michigan.

I certify the above to be a true copy of the original letter.

(signed) *John Prince.*

Enclosure 2, in No. 30.

To the Queen's Most Excellent Majesty.

Encl. 2, in No. 30.

Most Gracious Sovereign,

WE, Your Majesty's dutiful and loyal subjects, the Commons of Upper Canada in Provincial Parliament assembled, humbly present to Your Majesty the accompanying Resolutions on the trade and commerce of this Province; and pray Your Majesty to cause this subject to be again brought under the consideration of the Lords of the Committee of Trade and Plantations, in the hope that their Lordships will see the necessity of recommending that part of the law containing the restrictions herein complained of to be repealed, and leave it to the wisdom and discretion of the Legislature of this Province to impose such duties on each article as they conceive it will bear, with the view of increasing their revenue, and protecting the trade and commerce of this Colony.

Commons House of Assembly,
27 February 1838.

Allan N. MacNab,
Speaker.

Resolved, That this House feel it their duty most respectfully to call the attention of Her Majesty's Government to the despatch of Her Majesty's Secretary of State for the Colonies of the 10th of May 1837, in answer to the Address of this House on the 3d of March preceding, on the subject of the trade of this Province, in which the Secretary to the Lords of the Committee of the Privy Council for Trade and Plantations, in his letter of the 2d of May 1837 to the Under Secretary of State, Mr. Stephen, urges objections which, we have every reason to believe, would have been removed, had the Report of the Committee, on which the Address was founded, been transmitted with that document, and would have thus prevented the injury, inconvenience and loss which have arisen from the delay.

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Resolved.

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CANADA.

No. 30.

Sir F. B. Head to
Lord Glenelg,
17 March 1838.

Encl. 2, in No. 30.

Resolved, That the Report above mentioned shows most clearly, that the trade of this Province is greatly impeded by embarrassments arising from the course heretofore pursued by the Legislature of Lower Canada; the want of a sea-port, under the control of our Legislature, and the vexatious and unnecessary restrictions on our trade and commerce; the practical operation of the present Trade Acts are therein set forth by showing, that a very large proportion of tea and other articles consumed in this Province are smuggled from the United States, and that, from our extensive frontier, it is impossible to prevent this illicit trade by any legal enactment; assigns the reason why it would not lessen the trade of the mother country; enumerates all the articles which could be affected by the measure, which are inconsiderable in number, quantity, or value; and shows the strongest motive which actuated the Committee to press the measure so earnestly; viz. depriving political agitators of the power to create discontent, by alluding to any duty which was considered oppressive.

Resolved, That the letter referred to in the foregoing Resolution states, that the prayer of the Address goes much beyond the mere prevention of smuggling, since it proposes to place the trade of foreign countries with this Colony on the same footing as that of the United Kingdom, and that it does not furnish information on which they could proceed to modify the existing law with regard to particular commodities. This information is, however, supplied by quoting the articles from the Report of the Committee on Trade before alluded to. The letter then proceeds with the following remark: "The only article named in the Address is tea, and that is subject, in Canada, to no Parliamentary duty; the only restraint is, that it cannot be imported into the Colony from the United States; and the Lords of the Committee cannot readily believe that a commodity, whose place of origin is so distant as China, can, by mere mercantile superiority, be conveyed to Upper Canada, through the interior settlements of the United States, so much more cheaply than by the waters of the St. Lawrence, as to give to the American smuggler a decided advantage over the British merchant.

"Under these circumstances, the restriction on the importation of tea should not be spoken of as a prohibition, and the articles which are really prohibited are so few in number, and of descriptions which can be so readily supplied by the regular channels, that their Lordships can see no reason for entertaining that part of the complaint of the Address which relates to prohibitions."

Resolved, That this House cannot withhold the expression of their regret and surprise that the Lords of the Committee of Trade cannot readily believe that tea is introduced for the supply of Upper Canada through New York, cheaper than by Quebec, although it was so stated by this House, because it is a most striking and convincing proof, that neither the geographical situation of this Province or the nature of our trade is understood; and unless this House can succeed in removing these erroneous views and impressions, they may continue to labour under their present embarrassments for many years to come.

This House assures the Lords of the Committee that it is not owing to "mere mercantile superiority" that tea is introduced cheaper from a country so distant as China, by New York, the Hudson river, and Erie Canal, than by Quebec and the St. Lawrence, but to the embarrassments and impediments which are experienced by our trade and commerce, which are fully detailed in the foregoing Resolution, and which they most earnestly call upon Her Majesty's Government to remove.

Resolved, That in the opinion of this House, tea would pay a provincial duty of 3*d.* per pound, and still be introduced from the United States cheaper than through Lower Canada.

The letter to which reference has been already made then goes on to state: "That the commodities which are subject to high duties, are chiefly manufactures, such as are usually supplied from Europe, but of which some, such as coarse and heavy cottons, are made also in the United States; the remedy in these cases would no doubt consist of a reduction of duties, but, as has been already intimated, the grievances are stated in the Address in such general terms, and the relief desired is so extensive and unqualified, that the Lords of the Committee cannot make that document the foundation on which they should proceed to investigate the one or consider the other."

Resolved, That in reply to these observations, this House most respectfully take occasion to express their regret, that their Lordships should have found the grievances of which they complain, stated in such general terms, and the relief desired so extensive and unqualified, as to preclude investigation or consideration; to remove this difficulty, their Lordships are referred to the enumeration of the Articles in 4th Will. 4, c. 89, where the particular information required may be supplied.

Resolved, That the letter before referred to again states as follows: "I am to request that you will lay these observations before Lord Glenelg, as immediately applicable to the case of Upper Canada, so far as regards any Parliamentary duties, to which alone the Memorialists address themselves; and that you will at the same time inform his Lordship that the Lords of the Committee do not see any grounds in the subjects thus brought before them, in which they could recommend any new facilities of trade in behalf of that Province, which should not be equally extended to all the British Colonies in North America; and it will be manifest to Lord Glenelg, that such a subject could only be entertained, either as a question for a great change in the principles of our colonial policy, or with a view to some specific modification of that policy in respect of some particular commodities."

Resolved,

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CANADA.

No. 30.

Sir F. B. Head to
Lord Glenelg,
17 March 1838.

Encl. 3, in No. 30.

Resolved, That this House most respectfully represent that the peculiar local situation of Upper Canada most materially differs from that of any other of Her Majesty's colonies, inasmuch as the latter are accessible from the ocean—possess sea-ports, and can regulate their commerce on some general and fixed rules; not so with Upper Canada, for cut off from access to the sea by Lower Canada, occupying an immense extent of frontier adjoining the United States, commodities of all kinds are and ever will be introduced from the latter, if they can be furnished at a cheaper rate. The Act of 3 & 4 Will. 4, is not only inoperative, as it relates to this Province, but it is even injurious, since it prevents the Provincial Legislature from imposing duties on the articles consumed; and by the ad valorem rate of duty which it enacts, enables individuals to practise frauds, creates discontent, and precludes the Legislature from collecting a revenue, which is absolutely necessary to pay the interest of the debt created by sums borrowed and expended on their various improvements, and by which payment alone their credit can be preserved.

Resolved, That although this Province is placed on a better footing with regard to the introduction of grain into England, yet the regulation intended to establish this benefit is rendered inoperative altogether, from the circumstance that no grain can be sent home with the present rate of duty, and the inhabitants of the United States are placed in a much better situation than those of this Province, inasmuch as we are charged with a duty of 23 cents per bushel on all wheat of the growth of Upper Canada, when admitted into their ports, whilst at the same time, wheat the growth of the United States is introduced free from duty into this Province, if intended for home consumption, under provisions of the Act before referred to, a regulation which forms a subject of general complaint, as totally at variance with the just principle of reciprocity, subjecting our markets to fluctuations in grain, and giving their grower a gain to that amount.

Resolved, That an humble address be presented to Her Majesty, accompanying the foregoing resolutions, and praying that Her Majesty will be pleased to cause this subject to be laid again before the Lords of the Committee on Trade and Plantations for their consideration, in the hope that they will see the necessity of repealing that part of the law containing the restrictions herein complained of, and leave it to the wisdom and discretion of this Legislature to impose such duties on each article as they conceive it will bear, with the view of increasing their revenue, and protecting the trade and commerce of this Province.

Enclosure 3, in No. 30.

To the Queen's Most Excellent Majesty.

Encl. 3, in No. 30.

Most Gracious Sovereign,

WE, Your Majesty's dutiful and loyal subjects the Commons of Upper Canada, in Provincial Parliament assembled, most humbly beg leave to transmit to Your Majesty sundry resolutions adopted by this House on the subject of an Union of the Provinces of Upper and Lower Canada, together with a Report of the Select Committee on the political state of the Provinces, adopted by this House; and we do most humbly and earnestly beseech Your Majesty most graciously to be pleased to take such steps as shall, in Your Majesty's wisdom, be deemed necessary to carry out the views of Your Majesty's faithful subjects, and thereby permanently secure these Provinces, and the British North American Colonies, as dependencies of the British Crown.

Commons House of Assembly,
26 February 1838.

Allan N. MacNab,
Speaker.

Resolved, That it is the duty of this House to take into their most serious consideration the causes which gave rise to the late rebellion, together with the present state and condition of the Provinces of Upper and Lower Canada, with the view of addressing Her Majesty's Government thereon, and pointing out what, in their judgment, will avert a similar occurrence in future, and restore the inhabitants of these Provinces to that state of peace, happiness, and prosperity which they are most justly entitled to enjoy, as well from their devoted loyalty to Her Majesty's Crown and Government, as from the peculiar advantages which the said Provinces possess in soil, climate and situation.

Resolved, That in the opinion of this House, the chief causes of the evils under which these Provinces have suffered, may be traced to their unwise division into separate and distinct colonies in 1791, when, with a limited population, a line was drawn a few miles above the navigable waters of the Saint Lawrence, and all the wealth, and the means of acquiring wealth, were given to, and placed at the control of, the French, and a mere wilderness allotted to the English portion of that population.

Resolved, That the result of this injudicious decision, together with the impolitic course pursued by the British Government in relation to this country, has been to foster and maintain

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tain the French population, perpetuate their language, establish a strong national feeling, encourage a decided hostility to British interests and institutions, and thus create and maintain a national character of French origin.

Resolved, That by this division, a large proportion of the revenue arising from our industry and our commerce has always been most unequally and unjustly placed under the control of the French Legislature of Lower Canada, although four-fifths of the revenue is derived from the growth and productions of Upper Canada, thereby supporting the government of the sister Province without any taxation encouraging, inactivity, an anti-commercial feeling, and paralyzing their energies, as proved by their having undertaken but few public improvements.

Resolved, That although the Legislature of Lower Canada have hitherto had so large a proportion of this revenue at their disposal, it has not been appropriated in any manner to the advantage of the inhabitants of Upper Canada, or for the joint interests of the two Provinces.

Resolved, That our imports and exports must inevitably pass through that portion of Lower Canada which lies between us and the sea, nor would the completion of a canal in that Province, in connexion with the one now nearly constructed in Upper Canada, out of the revenues of the Lower Province, remove the difficulties under which we labour; as the interest of the money expended, and the tolls levied, would, in the end, be imposed on our exports and imports, which alone would be transmitted by that canal.

Resolved, That so long as this division line exists, it will be impossible for the Legislature of this Province to place their revenue, or regulate their commerce, on a permanent basis, inasmuch as the Legislature of one Province may impose one rate of duty on any one article from the United States, and the Legislature of the other Province impose a higher or less duty on the same article imported; thus introducing greater or less quantities of the same article for the general consumption, and rendering it impossible for the Legislature of either Province to estimate, on any correct data, the probable amount they may receive for any given time.

Resolved, That it is in vain for the Legislature of this Province to attempt to collect any revenue from foreign commerce, to pay the interest on the debt they have contracted for the various public improvements, so long as another Legislature with separate interests controls our sea-ports.

Resolved, That the practical benefits or disadvantages of an union, or the control of a sea-port, under the jurisdiction of the same Legislature, may be more strikingly illustrated by a comparison with the State of New York and the Provinces of Upper and Lower Canada, lying side by side on the opposite banks of the Saint Lawrence and the shores of Lakes Erie and Ontario. In 1815, the trade and commerce of the entire country bordering on those great lakes passed down their natural outlet, the Saint Lawrence; in 1824, this trade, as well as that on the shores of Lake Champlain, was diverted to the Hudson, by the construction of a canal by the Legislature of the State of New York, without the collection of one farthing of duty from foreign commerce. On the other hand, it is notorious that the Legislatures of the Provinces of Upper and Lower Canada have not, to the present moment, adopted any measure in concert to restore this commerce to its natural and original destination, although they have had, for many years, at their disposal, a revenue derived from foreign imports to the amount of least 100,000 *l* per annum.

Resolved, That a great saving would be effected in the governments of the two countries, by uniting their Legislatures, and additional facilities afforded in accomplishing any measure by a direct communication with the Home Government, in place of waiting years to obtain the sanction of two legislative bodies, actuated by different views, feelings, and separate interests.

Resolved, That the currency of the two Provinces, the management of the Post-offices, together with every internal regulation, can never be placed on a permanent and beneficial footing, so long as this separate interest prevails.

Resolved, That although this House entertain the sentiments expressed in the foregoing resolutions, and feel that they will gather strength from year to year, so strong is their apprehension that an union of those Provinces would prove injurious to their best interests, unless a decided majority in the Legislature is allotted to this Province, as recommended in the report of the Select Committee of this House during the present session, on the political state of the Provinces, they desire a united Legislature only on the following terms and conditions:

1st. That the principles of our Constitution be maintained inviolate; each branch of the Legislature to be constituted on the principles originally intended by the Act of the Imperial Parliament; that all future appointments in the Legislative Council be made in such manner from the different districts as best to secure the agricultural, commercial, and other interests of the Province.

2d. That the casual, territorial, and every branch of the Revenue, be placed under the control of the Legislature upon the same principles as Her Majesty's Government has been pleased to concede them to the Provinces of New Brunswick and Nova Scotia, which con-

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cession has given the greatest satisfaction to Her Majesty's subjects within this Province, as it holds out an evidence of what we may anticipate from the same liberal policy.

3d. That the Seat of Government be established within the boundary of Upper Canada.

4th. That in order to give full scope to British enterprise, the English language should be established in the Legislature, in courts of justice, and in all legal proceedings, which, in a few years, would produce the beneficial result of converting a Canadian province into one truly British, and thus draw still closer the ties which bind that section of the Canadas to the British Crown.

5th. That for the encouragement of enterprise, the introduction of British and foreign capital, and the security of property, the abolition of the feudal tenures, and the establishment of register-offices, are indispensable.

Resolved, That an humble Address be presented to Her Majesty, accompanied with the foregoing Resolutions, together with a Report adopted by this House on the political state of the Provinces of Upper and Lower Canada, having reference to the same subject; and earnestly praying Her Majesty graciously to be pleased to take such steps as shall, in Her Majesty's wisdom, be deemed necessary to carry out the views of Her Majesty's faithful subjects, and thereby permanently secure these Provinces, and the other North American Colonies, as dependencies of the British Crown.

(Truly extracted.)

To the Honourable the Commons House of Assembly, in Provincial Parliament assembled.

Your Committee, ordered to inquire into the political state of the Provinces of Upper and Lower Canada, beg leave to report as follows:

Your Committee have entered upon the duty assigned to them, fully convinced that at no time have the affairs of these Provinces been placed in a condition demanding a more calm and deliberate consideration at the hands of the representatives of the people than at this moment; and that a period has arrived when it is especially incumbent on them to address our gracious Sovereign in terms of the most dutiful yet earnest entreaty, to consider the causes which have led to the recent unnatural revolt in this portion of Her Majesty's dominions, the evils that have resulted from it, and the measures necessary to guard and protect us from the recurrence of a like calamity.

Before entering upon an investigation of these deeply important questions, it may be of advantage, and assist in elucidating the inquiry, to take a short review of the political history of these Provinces since they became a part of the dominions of the British Crown.

At the time of the conquest of Canada in 1758, the population of the whole territory, now constituting the Provinces of Upper and Lower Canada, was estimated at about 65,000 souls. These were governed by an antiquated and almost unintelligible system of laws, administered by a governor unrestrained by any authority within the Province, and they might therefore be regarded as being completely dependent for the possession of their civil liberty upon the caprice or dictatorship of a military despot.

The cession of the country to the British Crown was followed by an immediate amelioration of the political condition of the people, and the improvement of their laws and government: they were rescued, with the least possible delay, from that state of vassalage in which they lived while under the dominion of France, and were secured gradually, but effectually, in all the privileges and immunities of British subjects. The uninterrupted exercise of their religion had been confirmed to them by the terms of the capitulation, and in the Royal Proclamation issued on the 7th October 1763, power was given to the Governor, with the advice of a Council appointed by the Crown, "to erect and constitute Courts of Judicature and Public Justice within the Colony, for the hearing and determining of causes, as well criminal as civil, according to law and equity, and as near as may be agreeable to the laws of England: with liberty to all persons who might think themselves aggrieved by the sentence of such courts, in all civil causes, to appeal, under the usual limitations and restrictions, to the King in his Privy Council." The authority thus given to the Governor was to cease, so soon as the circumstances of the colony would admit of a General Assembly being called and constituted, as in other colonies.

The authority thus placed in the hands of British governors, was exercised by a succession of the most able and upright men, from the time the Proclamation was promulgated until the year 1774, when it was deemed advisable more nearly to assimilate the system of legislation in the Colony to that of the mother country; and accordingly an Act was passed, which after, among other things, confirming to the inhabitants professing the religion of the Church of Rome the free exercise of their religion, and continuing the criminal law of England, provided for the appointment of a Council, to be composed of not more than 23, nor less than 17 of the residents of the province, who were authorised (under certain restrictions relating to the levying of taxes, and religious questions) to legislate for the peace, welfare, and good government of the colony.

This Act was avowedly passed as a preliminary measure to the introduction of the representative form of Government promised by the Proclamation of 1763; and accordingly, in the year 1791, the Act which divided the then Province of Quebec into the Provinces of Upper and Lower Canada, and conferred on each the Constitution under which they have since been governed, was passed.

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This constitution, modelled on that of Great Britain, and containing all the elements necessary for the most perfect security and enjoyment of civil and religious liberty, has enabled these Provinces to advance in wealth and general prosperity to an extent almost without example in any other country; and from the time of its adoption until within the last few years, was regarded in Lower Canada, as it has always been in the Upper Province, as the noblest monument of love of liberty and generous policy ever exhibited by a nation towards any of its colonies.

The propriety of the division of the Province was much questioned at the time it was made; and it is even now thought by many to have been one of the causes of the evils under which the country is suffering. It is but justice, however, to state, that in this act, as in every other, the British Government was influenced by a desire to consult and advance the social and domestic happiness of the people, as well as to promote their general prosperity. Upper Canada was settled by united English Loyalists, who were of the Protestant religion, and were accustomed to be governed according to the laws of England. Lower Canada, on the contrary, was chiefly peopled by Roman Catholics, who preferred continuing under the legal tribunals that existed at the time of the conquest; and the line of division was so drawn as to separate these two classes of people, and leave them unembarrassed by conflicts arising from difference in their civil and religious institutions. At the time the Act last referred to was passed (1791), the population of Lower Canada did not exceed 150,000; it cannot now be reckoned at less than 600,000. Upper Canada contained little more than 10,000 souls; they may now be numbered at 450,000. The commerce and agriculture of both Provinces have kept pace with this vast increase in their population, and the British nation has extended protection to them with that liberal and generous spirit, for which our parent state has ever been distinguished; added to which, we are blessed with a fertile soil and healthy climate, and a country abounding generally in natural advantages, not excelled by any other portion of the globe. And all these blessings are enjoyed without taxation that deserves the name of a burthen, and which, trifling as it is, is applied exclusively to the necessary support of the Government, and the improvement of internal communication; and lastly, we are protected from foreign invasion without cost, by the fleets and armies of the United Kingdom.

Amidst these blessings, visible as they are to all the world, the Canadas have recently exhibited the degrading and guilty spectacle of being in open rebellion against the noble and generous power to which they are indebted for the enjoyment of them. Your Committee will enter into no discussion of the possible circumstances, arising from a long course of injustice or tyranny, that may excuse or justify a people in throwing off their allegiance to their Sovereign; they think this the less necessary, because they at once assert, that the condition of the Canadas presents no single point on which to build an argument favourable to such a position. They were as exempt from tyranny, and as free from oppression on the part of their Government, as it is possible to suppose any people to be, who are subject to the salutary control of laws of their own choice, and administered in their utmost purity by judges above the suspicion of unfair or improper bias.

Neither can your Committee ascribe the conduct of the disaffected to that impatience natural to man, to be freed even from nominal dependance on a higher power, although that dependance be evidently to his advantage. Your Committee have no hesitation in stating, that in Lower Canada the rebellion proceeded from an inveterate hatred of British rule and British connexion, on the part of the Canadians of French origin, to which class disaffection is, in that Province, exclusively confined.

In Upper Canada, the riot or insurrection (it deserves not the name of rebellion), confined to less than 1,000 out of 450,000 inhabitants, proceeded from a heedless preference of the democratic institutions of the neighbouring Republic, on the part of a small number of worthless men, chiefly of broken fortune, who had contrived by the most gross and detestable system of falsehood and misrepresentation, to delude a few hundreds of the most ignorant and credulous of the people to unite with them in the criminal attempt to seize upon the seat of government and the public offices, and to subvert the constitution.

Your Committee will now direct the attention of your Honourable House to the gradual development of the feeling of hatred towards the British nation, on the part of the Lower Canadians of French descent; the measures of the leaders of the disaffected party, having in view the destruction of the constitutional power of the Crown, and separation from Great Britain; and the encouragement they received from the mistaken policy of the British Ministry.

At the conclusion of the late war with the United States of America, these provinces began to attract a larger share of the attention of the people of the United Kingdom than they had previously enjoyed; and many persons of wealth, as well as great numbers of agriculturists and mechanics, resorted to them, as a country affording favourable opportunities of investing their capital, and establishing their families in independence and comfort; and from emigration alone, the Canadas have more than doubled their population since the year 1820.

This influx of our fellow-subjects was in the highest degree satisfactory to the inhabitants of British origin, but most distasteful and repugnant to the wishes and views of those of French descent. The former saw in it the most certain security for the maintenance of the connexion with the mother country; while they experienced, in common with all others, the immense advantages arising from increased commerce and general wealth, as well as improvement in the condition of society, and social comfort and happiness. The latter at once discovered that unless they could check immigration from the British Isles, or at all events, obtain such an ascendancy over the Government as would place it in a state of dependence

dependence upon the House of Assembly, before they were outnumbered by the "Foreigners," as they termed the English, Irish and Scotch settlers, their hopes of independence would be frustrated.

With this view, the leading members of the Assembly of French descent (those of English origin, who at the time united with them, did not probably understand their true motives,) demanded the surrender on the part of the Crown, of the revenues raised under the British Act 14 Geo. 3, c. 88, and which, by the terms of that law, were to be applied to the support of the civil Government of both Provinces, under the direction of the Lords of the Treasury, and which, though inadequate to the purpose at the time, it was probably foreseen, when added to other sources of revenue at the disposal of the Crown, would, in the course of a few years, amount to a sum equal to the payment of the salaries of the Governor, judges, and other public officers, and thus render the Government independent of any vote of supply.

The contest began by representations to the Home Government on the unconstitutionality of any portion of the public revenues being disposed of by any other authority than the representatives of the people; by reductions in the estimates for the support of the civil Government, by sending the supply bills to the other branches of the Legislature, drawn in such form as to prevent their adoption; and finally, by refusing to grant a supply on any terms.

This course of conduct pursued by the House of Assembly, as might be expected, led to disagreement with the other branches of the Government; and, without entering into any detail of the various Acts manifesting a total disregard of the ordinary rules of courtesy and decorum exhibited by the Assembly and their Speaker in their intercourse with the Earl of Dalhousie, then Governor-general of British North America, your Committee will proceed at once to the consideration of petitions, purporting to be signed by about 87,000 of the inhabitants of Lower Canada, addressed to the King in the year 1828, and purporting to contain all the grounds of complaint on the part of the Province, and the measures contingent upon them.

Upon a reference to these petitions, it will be apparent that their object and design was to gain concessions by which the constitutional authority of the Crown would be weakened, and the democratic power strengthened.

Your Committee will not prolong their Report, by the examination of the particular points which, in their opinion, justify this assertion, as the remarks they have to offer on the Report of the Select Committee of the House of Commons, to whom these petitions were referred, and upon which the subsequent policy of the Home Government appears to have been based, will sufficiently prove its correctness.

Before proceeding with their remarks, however, your Committee cannot withhold the expression of their regret, even at this distant day, that the Colonial Minister should have felt it necessary to appeal to the House of Commons for a Committee to inquire into the subjects complained of. It has been justly remarked, that there are few occasions where those who administer public affairs are justified in delegating to others the duties that belong peculiarly to themselves; and this was a case, of all others, unfitted for such delegation. The points in dispute were such as involved the great principles of Colonial Government; and the remedy for the abuses complained of, if they really existed, were mostly within the power of the Crown, and in no respect requiring the interference of Parliament; and those that demanded such interference should have proceeded at once from the Minister, and upon his responsibility.

The evil of the course pursued is apparent from the fact, that a Report was drawn up upon *ex parte* statements (and, in some instances, gross misrepresentations), and contains recommendations and opinions destructive of the just and constitutional authority of the Crown, and the maintenance of an efficient administration of the Government.

The consequence, as might have been foreseen, has been to cripple such of our Colonial Ministers as have, since that day, been desirous of maintaining a firm and consistent course of policy, and to afford a pretext for others to pursue a system which has almost annihilated the Government, and which has encouraged the enemies of British supremacy to demand concession after concession with greater rapidity than it seems to have been practicable, or, with a due regard to appearances, proper to grant, until at length, unable any longer to restrain their impatience, they have risen and attempted to gain their object by open rebellion.

The most important recommendation of the Committee of the House of Commons was, that the receipt and expenditure of the whole revenues of the Province, including, of course, those derivable from the 14 Geo. 3, c. 88, and by that Act applicable to the support of the Civil Government of the Colony, should be placed under the superintendence and control of the House of Assembly, at the same time declaring that "they (the Committee) were strongly impressed with the advantage of rendering the Governor, the members of the Executive Council, and the judges, independent of the annual votes of the House of Assembly for their respective salaries." The Committee proceed to recommend that a more independent character should be given to the Legislative Councils in both the Canadas; that the judges, with the exception of the chief justice, should be excluded from them; and that all the judges should be excluded from the Executive Council; and they recommend that the Jesuits' estates should be appropriated to purposes of education. They charge the Government with having expended 140,000*l.* without the consent of the representatives of the people; and conclude their Report with a censure upon Lord Dalhousie, the Governor-general, which censure is evidently founded on *ex parte* and (as in other instances) most inaccurate information.

Without discussing the propriety of some of the recommendations of this celebrated document, or even denying that, if carried into effect in particular instances, they might have

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been attended with beneficial effects, it is, nevertheless, apparent that every one of them has a strong tendency to strengthen and encourage a democratic policy; and in no single instance can it be discovered that the Committee felt the least solicitude for the preservation of those monarchical principles which constitute so important a feature in the British constitution. Indeed, when your Committee refers to the names of the Members of the House of Commons from whom this Report emanated, and the majority of whom concurred in it (a bare majority, as it is generally believed), they cannot but feel surprised that it did not occur to them, that, unless the Crown retained within its hands the means of sustaining the Government of a Colony independently of the annual vote of the Local Legislature, such Colony became virtually independent; and the surprise is not a little increased, when this salutary power of the Crown was to be surrendered to the Assembly of a conquered Colony, inhabited by people a great majority of whom were of French descent, speaking a foreign language, and governed by laws differing from those of Great Britain.

Whatever opinions may be entertained on these points, it is perfectly certain that with the Report in question commenced that course of policy which has, in no small degree, tended to bring about that lamentable state of internal dissension and revolt which the loyal subjects of Her Majesty now so deeply deplore.

As was to be expected, the recommendations of the Committee of the House of Commons were hailed as a triumph by that party in Lower Canada, who have since too plainly proved their traitorous and disloyal principles; and by them the Report was declared "an imperishable monument of human wisdom and national justice."

The British Parliament and His Majesty's Ministers were led to suppose, that, if the concessions recommended were made, peace and contentment would prevail throughout the country, and that the representatives of the people, gratified to the fullest extent of their wishes, would cheerfully concur in all such measures as were necessary to maintain the Government of the Colony, and perpetuate the connexion with the mother country.

Confiding in these delusive promises, the Colonial Minister began by surrendering up to the control of the House of Assembly the funds out of which the King had hitherto been enabled to pay the Governor, the judges, and other officers, without whose services the Government of the country could not be conducted; and this measure was sanctioned by Parliament, under the vain expectation that the Assembly would honourably redeem the implied pledge that they would themselves make the necessary provision. Such, however, was not, and probably never had been, the intention of the majority of the Assembly. The moment they had attained so important a concession, which rendered the Sovereign a suppliant to the Legislature of one of his colonies, and that a conquered colony, for the means of carrying on his Government within its limits, they felt the advantage they had gained, and they resolved to avail themselves of it.

Uninfluenced by the noble and prompt example of the representatives of the loyal people of Upper Canada, who patriotically and wisely secured the independence of the judges, and the upright discharge of the duties of the Governor, Executive Councillors, and other high officers of the Government, by voting them reasonable and permanent salaries, the Assembly of Lower Canada refused to vote a shilling as a supply for these objects; and the judges and other public functionaries have in consequence, for years past, exhibited the degrading spectacle of being compelled to borrow and incur debt for the ordinary and necessary support of their families.

Notwithstanding this vicious and ungenerous course of conduct, the recommendations of the Committee of the House of Commons continued to be acted upon. The chief justice was removed from the Executive Councils in both Provinces; the judges, by a questionable exercise of the Royal influence, were induced to absent themselves from the Legislative Council in Lower Canada; the Jesuits' estates, the property of the Crown, were generally given up; new Members were added to the Legislative Council to render it more independent, chiefly taken from among that class of persons most distinguished for their opposition to the Government while members of the Lower House; and the noble-minded and patriotic Earl of Dalhousie was recalled.

Having thus gained all the advantages promised by the Report of the Committee of the House of Commons, the Assembly turned their attention to new subjects of complaint, and increased efforts to annihilate British influence. They erected themselves into an inquisitorial tribunal for the trial of such officers of the Government as they desired to deprive of their situations, and succeeded, by a system of attack unheard of in any other British Colony, to induce the King's Government to dismiss from office and remove from various situations several of the oldest, most faithful, and most respectable servants of the Crown; and, to render their eagerness to retard and discountenance the increase of population from the British Isles more apparent and effectual, a capitation tax was imposed on all emigrants from Great Britain and Ireland, and from thence only, on landing at Quebec; and strong efforts were made (hitherto unsuccessful) to induce the Home Government to annul the agreement with the British America Land Company, which had been established for the settlement of emigrants from the United Kingdom, on lands lying waste and useless in the most fertile part of the Province. They exerted themselves to procure the repeal of the Act passed by the Imperial Parliament, authorising persons holding lands under the ancient feudal tenure to change their titles to the British tenure of free and common soccage; and, in the most arbitrary and unconstitutional manner, they from time to time expelled members of British descent from their body, and maintained in their seats those of French origin, who had been elected in the most palpably illegal manner. And lastly, the Assembly demanded that the constitution of the Province should be so altered, as to admit of the election of the members of the Legislative Council by the people: and ultimately declared their determination

tion no longer to act in concert with the other branches of the Government unless this demand was complied with.

Had this point been conceded (and, from the facility with which their previous demands had been granted, the Assembly had reasonable grounds to suppose it would be yielded to them), the last vestige of British supremacy would, as a matter of course, have been annihilated. Happily, however, the British Minister did not possess the power of making this concession without the authority of Parliament; and in that august assembly it was not likely to meet with much countenance.

The time, however, had arrived when it was indispensably necessary, either to abandon the Colony to a state of anarchy, or adopt measures to prevent the Government from falling to pieces, and accordingly certain resolutions were proposed by one of the King's Ministers, and adopted by the Lords and Commons of the United Kingdom, containing a timid pledge not to extend the elective principle to the Legislative Council, and proposing the payment of the judges and other public functionaries the arrears of their unjustly and long-withheld salaries. They further proposed certain changes in the system of administering the Government in both Provinces, which the authors doubtless believed would be productive of salutary effects.

The leaders of the revolutionary faction, having thus for the first time met an apparently decided refusal of their demands, determined, in an evil hour to themselves, but, as every loyal man hopes and believes, auspicious to the future welfare of these Provinces, on revolt. They carried their design into execution, were overthrown, and, as we earnestly pray, for ever crushed.

Your Committee believe that the history they have thus given will sufficiently prove that the impelling motive to rebellion, on the part of the Lower Canadians, as they (the Committee) have asserted in a previous part of this Report, was "hatred to British rule." They were not oppressed; they had never been oppressed, or denied a single right that British subjects could justly claim; they were prosperous, and they might have been happy. It is due to truth further to remark, that disaffection was confined, with exceptions so few as not to deserve notice, to Canadians of French descent; and that it was put down by soldiers and citizens of British and Irish origin, and by them only.

Your Committee would here gladly close their observations on the revolt in Lower Canada, and the causes which led to it; but the due performance of a solemn duty requires that they should not omit notice of the unwise measures that, for a series of years, marked the policy of the British Ministry towards that Colony, and which, in the opinion of almost every honest and intelligent man in these Provinces, greatly encouraged the disaffected in their hope of throwing off British connexion.

The concessions made, in pursuance of the recommendations of the Committee of the House of Commons, have been noticed; and the dismissals from office of persons accused by the popular branch of the Legislature, and against whom the Executive of the Province had preferred no charge, and whose impeachment was known to be in opposition to its wishes, have been already adverted to.

In consequence of the first, the power and efficiency of the Government was destroyed; and the effect of the second was to alarm every public servant, and to cause him to fear that he might be dismissed and dishonoured, through the false representations of malignant and irresponsible accusers. But this was not all; it seemed to be considered necessary, upon almost all occasions, to show a deference to the wishes of the disloyal faction, and a total disregard to the claims and representations of the well affected.

The Earl of Dalhousie, a nobleman peculiarly suited, by his talents and firmness of character, to administer the Government, and endeared to the British portion of the community by his many generous acts and estimable qualities, was recalled at a moment when he was resolutely upholding the constitutional prerogatives of the Crown, and vigorously maintaining the authority of the laws.

His successor, Sir James Kempt, was the first Governor-general who was directed to fall in with the views of the dominant faction, and endeavour to conciliate the disaffected. He commenced his government by thanking the Assembly for, and declaring his high satisfaction at, receiving an address from them, which contained an ungenerous and unjust attack upon his noble predecessor. His administration was, nevertheless, an entire failure; and he had sagacity enough to resign the Government at the moment when men of all parties were ready to condemn his measures.

Lord Aylmer followed; and never did a Governor more assiduously labour to gain the applause of the anti-British party than his Lordship did for the first two years of his administration. No single request was made of him by the Assembly that he did not grant; and, in not a few instances, he yielded to demands that deeply compromised the constitutional rights of the Crown, and the justice due to individuals. He suspended from office the able and efficient Attorney-general of the Province, upon charges the truth of which has never been established (although his dismissal was afterwards, upon other grounds, confirmed by Lord Goderich). He rendered the Legislative Council "more independent," by placing in it some of the most violent and ungenerous opponents of the Government; and, at the very time when the Assembly were factiously withholding from the judges and other public officers of the Crown the salaries and allowances to which they were justly and constitutionally entitled, and for want of which some of them had been reduced to poverty and want, his Lordship advanced them money, without legal authority, from the public funds, to enable them to pension Members of the British Parliament to use their influence in obtaining concessions from the Imperial Government, that would, when granted, assist them in accomplishing their revolutionary designs. At a subsequent session his Lordship had the temerity

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to ask the Assembly for a Bill indemnifying him for having advanced money in compliance with their Address only, and to protect him from the personal liability he had in consequence incurred; and he declined making any further advance until an Act was passed to that effect. This was deemed a violent breach of the constitutional rights and privileges of the House, and forthwith 92 Resolutions were fulminated, impeaching his Lordship of high crimes and misdemeanors; denouncing the British Government as arbitrary and oppressive; threatening rebellion, and containing matter altogether so grossly treasonable and seditious, that every subject of the Crown, who respected the ancient institutions of the realm, and desired to see the constitution of the country maintained, was led to expect that, if the authors were not otherwise punished, a dissolution of the Assembly would take place, if for no other reason than to prove that the King's Government was sensible of the indignity that had been offered it. Far different, however, was the result. His Lordship was recalled from his Government; and the author of the Resolutions referred to was elevated by his successor to a seat on the bench of the Superior Court of the Province.

Lord Gosford's administration now commenced, and with him were associated two gentlemen as commissioners, appointed to inquire into, and report upon, the state of the Province, and the grievances under which its inhabitants were reputed to be suffering. His Lordship's instructions were, to adopt the most conciliatory policy towards the people of the country; this was done by showing open favour and partiality to the known leaders of disaffection, such as the promotion of Mr. Bedard (above alluded to) to the Bench, and of Mr. Debartchz to the Executive Council, and manifesting a distrust and want of confidence in those who, in the day of peril, have cast aside the recollection of their wrongs, have rushed to the support of their Sovereign, and have proved that, in the hour of need, to them only can Her Majesty look for the preservation of this portion of Her dominions, as an appendage of Her Crown. The first act of the Assembly, upon being called together by Lord Gosford, was to offer an insult to our late gracious and good King, by denying his right to appoint Commissioners to inquire into the state of affairs in the Province (one of his conquered colonies), and contemptuously rejecting an Act which was designed and intended for its especial benefit. Notwithstanding this (and without requiring any bill of indemnity for Lord Aylmer), the new Governor-general, in obedience to his instructions, and in pursuance of his conciliatory policy, "cheerfully" advanced upwards of 20,000 *l.* of the public revenues, on the sole address of the Assembly, and in defiance of the solemn protest of the Legislative Council, to enable the former body to pay the arrears of salary due to Mr. Roebuck, of the Imperial Parliament, and to continue his allowance as an agent, and to reward his exertions in forwarding their revolutionary designs. Having been thus far triumphant in all their conflicts with the Governors of the Colony, and having been led to believe, that they would ultimately succeed in their attempt to coerce the Home Government into granting the next great object for which they were contending, viz., the subjection of the Legislative Council to the popular will, controlled as the latter was by the same influence that had rendered the Assembly a mere revolutionary club, they declared, as has been already stated, that they would proceed no further with public business until this demand was complied with.

Your Committee will here close their observations on the political history of Lower Canada, as distinct from that of the Upper Province, and will now offer some few remarks on the progress of the latter to that state of prosperity and contentment in which it was peacefully reposing, and which it would have continued to enjoy, but for the unnatural and wicked revolt that broke out in Lower Canada, proceeding, as it did, from causes that your Committee have detailed.

The advancement of Upper Canada, in population and wealth, from the time of the division of the Province of Quebec into Upper and Lower Canada, in 1791, has already been alluded to; and it is, perhaps, not too much to say, that from that time to the present, no country in the world has presented a more industriously disposed, or devotedly loyal people, than were to be found within its limits.

It is of course true, that in the excitement incident to all conflicts of domestic political parties, disagreements have occurred in the House of Assembly, and among the electors and people generally, that have led to references to the Home Government for the redress of alleged wrongs, and which have been seized upon by the adverse parties as grounds for imputing to the people general discontent and dissatisfaction with their Government. It would probably be sufficient evidence of the want of just grounds for any such statement, to refer to the history of past Houses of Assembly, and the result of the different appeals that have been made to the people at general elections. This would show that, since the time our first Governor, General Simcoe, entered upon the administration of the Government of the Province in 1792, to the present time, a period of 45 years, there have been but two Houses of Assembly returned, who can be said to have taken a course hostile to the views of the Government, each of which was succeeded by the election of a large majority of representatives of a different political character; and on only one occasion has there been a dissolution on account of differences with the local administration. In truth, the people are intelligent as well as patriotic; and when left to themselves in the free exercise of their constitutional rights, they have ever proved themselves able to apply the necessary remedy to any attempt to oppress or mislead them.

With respect to the loyalty of the inhabitants of Upper Canada, your Committee will not insult the noble pride and exalted patriotism of their fellow-subjects, by any sentence or word that could imply, in the most distant degree, that there was a necessity for defending it: they point to their descent; they point to their deeds in a former war, and they point to their attitude and bearing at this moment of threatened invasion and revolt, and they bid their calumniators, be they in the British senate or elsewhere, to point out the stain or reproach

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reproach that rest upon their fair fame, as "loyal men and true" to their Sovereign and their country. If in truth they desired to release themselves from their allegiance, by traitorously conspiring against the authority of their Queen, what prevents their accomplishing their wishes? It is not many days since there were not 50 soldiers of the regular army in the Province, and even now, when the usual military force has returned to our garrisons, there is no man who will not admit, that the question of remaining a dependency of the British Crown rests entirely with ourselves. That question has been answered; and the sincerity of the reply has been proved by more than 20,000 men, eagerly striving who should be foremost in taking up arms, and hazarding their lives and fortunes to maintain and perpetuate our connexion with our glorious parent state.

It, however, must not be supposed that Upper Canadians are without their causes of complaint against the Imperial Government. The fact, your Committee lament to say, is far otherwise. They have felt, in common with their fellow-subjects of British origin in Lower Canada, the blighting effect of the erroneous policy pursued with respect to the latter Colony. The consequences of it have been, to render nugatory some of the great enterprises this Province has engaged in, to improve its navigation (especially that of the Saint Lawrence), to extend its commerce and increase its revenue. The dissensions that have so long existed there, have alarmed and prevented thousands of our fellow-subjects in Great Britain and Ireland from coming and settling among us; and our intercourse with the mother country has been interrupted and obstructed by oppressive and unjust legislation, countenanced in some instances by Ministers of the Crown. These evils have been frequently and earnestly represented; but although the remedy has always been in the hands of the British Government, it has never been applied, and we are now left to suffer under them with accumulated force.

In our own more immediate and local concerns, we have at times been alarmed and embarrassed at the apparent influence gained by the enemies of British connexion with the Colonial Secretary of State, and the interference which followed in matters of a purely local character. Among the number of these may be mentioned, the threatened disallowance of our bank charters, after those institutions had been for some time in full operation; interference in legislative proceedings, relating exclusively to questions of privilege; and frequent collisions with our Governors, the moment they manifested a preference for that class of persons they had learned to regard as best entitled to the confidence and protection of their Sovereign. To this last ground of complaint, your Committee feel it a painful duty to draw the particular attention of your Honourable House, and with their remarks upon it, to close this part of their Report.

The appointment of Sir John Colborne to the government of this Province, as the successor of Sir Peregrine Maitland, was simultaneous, or nearly so, with the appointment of Sir James Kempt to the Government of Lower Canada; and there is no doubt that the design of the British Ministry was to infuse a larger share of "liberal policy" and "conciliatory measures" into the administration of public affairs, than it was supposed previously existed. Sir John accordingly kept aloof for a time from the old and tried servants of the Crown in the Colony, and manifested a disposition to conciliate the good will and support of those who were understood to be opposed to the past administration of Sir Peregrine Maitland. In this His Excellency met with no embarrassment from any one; the officers of Government did their duty cheerfully and steadily; they never intruded themselves upon his notice, or sought to embarrass him in the attempt he was making to reclaim the disaffected, or to strengthen the loyalty of the wavering; he conferred offices, in a few instances, without sufficient assurance that they were deservedly bestowed, and to a more serious extent he deprived some of the best men of the Colony of emoluments and appointments they had long enjoyed, and to the continuance of which their merits and long services amply entitled them.

His Excellency, however, soon found that measures of this kind were not the most judicious; he discovered that he might make enemies, but that he was not likely to gain friends; he was speedily convinced that the designs of the majority of the turbulent and noisy politicians, self-styled reformers, who sought his confidence, aimed at revolution, not reform; and he was therefore compelled to withhold from them any further marks of his favour.

Owing to causes of an accidental and local character, a House of Assembly was returned, containing a majority of 11 opposed to his administration. The leaders of this majority industriously applied themselves to the investigation of supposed grievances, and the promulgation of reports from select committees, calculated to inflame the public mind against the Lieutenant-governor and other officers of the Local Government, and by false representations to render the people discontented; these were in some instances sent to Downing-street by order of the House, at other times by individual members, without the sanction of the Assembly.

The consequence, as is now generally understood, was, that an ungracious correspondence sprung up between his Excellency and the Colonial Secretary of State, so offensive to Sir John, that he was induced to tender his resignation, which, however, did not reach England before his recall had been determined upon, and in the depth of a Canadian winter, this venerable and gallant soldier, with a constitution impaired in the service of his country, and a body mutilated by wounds received in many a victorious field of battle, whose name is identified with the glory of his country, felt himself obliged to leave the seat of Government, and repair to the Lower Province, exposed to the inclemency of the weather, accompanied by his numerous and amiable family.

This was a scene that awakened the sympathy and aroused the indignation of the generous and loyal people of the Province. At every town and village on his route of 300 miles, he

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was met by addresses expressive of the respect and regard in which he was held as a man and as a Governor; and throughout his whole journey, the people turned out in their sleighs and carriages, and with acclamations accompanied and cheered him on his way.

The departure of Sir John Colborne infused new life and vigour into the faction that had accidentally acquired a temporary ascendancy in the Assembly. Always ignorant of the true feelings and character of the great body of the people, the leaders of this party determined on making a display of their fancied political power, and, if possible, establish their ascendancy in the councils of the Province; and this they believed they could the more easily accomplish, as it was reported that the new Governor was a "tried reformer."

Upon assuming the administration, it was generally understood that Sir Francis Head was instructed to pursue a policy far more liberal than that of his predecessor, and the apprehensions entertained, that measures might be too hastily taken, by which the country would be involved in lasting dissensions, were greatly increased by the appointment of Dr. Rolph and Mr. Robert Baldwin to be members of the Executive Council; and to prove how well founded were these fears, it is sufficient to state, that the first-named individual has since fled the country to escape the penalties of treason; and the latter, long his most intimate political associate, has professedly withdrawn himself from all interference in public affairs.

Rumours of other appointments, equally distasteful to the loyal subjects of his Majesty, were at the same time in circulation. Happily, however, before they could be made, if they were ever intended, events occurred that saved this Province from evils that must inevitably have led, and that within a short period, to the entire destruction of the authority of the Crown, and a speedy separation from the parent state.

No sooner had Mr. Rolph and Mr. Baldwin (with whom also was associated Mr. Dunn, the Receiver-general,) taken their seats at the council board, than they proposed, and had sufficient influence to induce the other members to agree to the proposal, that they should henceforth, in effect, be accountable to the people, and not to the Crown, for their acts; that is, that they should remain in office so long as a majority of the Assembly approved of their conduct, and no longer; and that when the Lieutenant-governor acted in opposition to their advice, they should be at liberty to make the circumstance publicly known. This proposition, so contrary to all colonial usage, and destructive of the constitutional authority of the Sovereign, by rendering every department of the Government dependent on the democratic branch of the Legislature, at once convinced the Lieutenant-governor of the real character of the men he had, with an honest desire to reconcile conflicting parties, admitted to his confidence, and the extremely delicate and somewhat dangerous position in which he stood. Happily for this Province, his Excellency possessed a vigorous, active, and intelligent mind, and was prompt and resolute in acting upon its suggestions.

He addressed the Council in terms of mild, but firm remonstrance; he pointed out with ability and clearness the error of their opinions, and the danger that would result from their adoption; and, in conclusion, candidly stated that, unless they were abandoned, his confidence in them must cease. The Council adhered to their opinions, and resigned their office.

As was to be expected, the party in the House of Assembly, whose hopes of establishing their political power were thus suddenly frustrated, became, in the highest degree, exasperated; and after adopting several resolutions and addresses, in the hope of regaining the power which the unwise and hasty conduct of their leaders had lost to them, they appointed a Select Committee, composed exclusively of members of their own political opinions, with authority to send for persons and papers, and to report the result of their inquiries.

The Report made by this Committee was brought up towards the close of the session: it is a document too voluminous to admit of a detailed examination in this place, even if it were desirable to do so; it is enough to say that, in addition to its containing the most offensive and insulting language towards the representative of their Sovereign, who had been but a very few weeks in the Province, and of whose general character and sentiments they could scarcely have any knowledge, its authors contemptuously rejected the offer that had been made, to submit the question in dispute to the King. They, in effect, insisted that the construction of the constitution rested exclusively with them, and that whatever might be the decision of the House of Assembly, all other branches of the Government must be bound by it; and they demanded adherence to a course of policy on the part of the executive, which, if granted, it was manifest to every reflecting man, would utterly destroy the authority of the Crown, and would subject the people to the government of the capricious and ever-varying opinions of the party that might chance to have the ascendancy in the House of Assembly; and lastly, it recommended, and the House resolved, that until the concessions demanded were made to them, they would grant no supply for the support of the Government; and the session accordingly closed without any provision having been made for the public service.

At no period since the formation of the Government of the Province, had so distinct and open a disagreement occurred between the Executive and the House of Assembly. The questions involved were of vital consequence to the future peace, welfare, and good government of the country; and at the same time they were capable of being plainly stated, and clearly understood. They were argued and discussed at public meetings and in private circles. Misrepresentation and abuse of the public authorities, and of the Lieutenant-governor in particular, were the weapons used by the advocates of the majority of the House of Assembly; truth and reason were opposed to them; the latter were listened to, and fully comprehended by a loyal and intelligent people, and the result was, an almost universal demand for the dismissal of men who had betrayed their confidence, and, under the veil of patriotism, had endeavoured to destroy the constitution they so highly prized. They became convinced

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convinced that, if those persons succeeded in their political views, the country would soon be subject to the tyranny of an irresponsible faction, and that the cherished connexion with the parent state must, ere long, be dissolved.

The petitions that were addressed to the Lieutenant-governor, condemnatory of the proceedings of the House of Assembly, and demanding its dissolution, and in the strongest terms approving of the firm and uncompromising course pursued by the Lieutenant-governor, evinced the most unequivocal attachment to the constitution as by law established, the determination of the people to maintain it inviolate, and their gratitude to Sir Francis Head for his resistance of the attempts that had been made to subvert it. The dissolution of the Assembly, and the general election that followed it, resulted in the rejection of every prominent member of the majority of the last house, and the return of an overwhelming preponderance of those of an opposite political character.

The overthrow of the party, instead of being silently and respectfully submitted to, as the constitutional decision of the electors, served but to exasperate them, and to lead them gradually to the open avowal of their traitorous designs. It was asserted, that the elections were decided by bribery, corruption, intimidation, and riot; and by the unconstitutional interference of the Governor in creating a vast number of votes, by the unlawful issue of patents for lands to persons who were not entitled to them; and a Dr. Charles Duncombe, one of the persons who belonged to the party composing the majority of the last House, and who had been re-elected to the present, had the singular audacity to embody these utterly false assertions in a Petition addressed to the House of Commons, which Petition was presented by Mr. Joseph Hume, then one of the Members for Middlesex, and the (upon all occasions) chosen mouthpiece of the traitors of this Province.

A copy of this Petition, as an act of justice, was transmitted by the Secretary of State for the Colonies, to the Lieutenant-governor, for his remarks. His Excellency, before noticing it himself, transmitted it to the House of Assembly, as the body best qualified to investigate the charges contained in it. The Select Committee to whom it was referred, composed of the most independent members of all parties, entered upon the inquiry, and as soon as the petitioner, Dr. Duncombe, took his seat, he was called upon to establish his charges, and was informed of the readiness of the Committee to hear any evidence he might have to offer in their support. So far from doing this, and well knowing the untruth of his statements, he left the House on some idle pretence, and never made the least attempt to establish any one of his assertions.

The Committee, however, were not content to leave the matter there; they called before them all the leading members of the party to which the petitioner belonged, and questioned them as to their knowledge of the truth of the charges made by him. Most of these persons disclaimed all connexion with Dr. Duncombe, and not one of them offered the slightest evidence, or intimated that he could give any in support of his allegations.

The Committee then proceeded to a more conclusive step, and calling before them persons of the highest character for truth and honour, and requiring the production of documentary evidence, the most conclusive in its nature, every statement contained in the document referred to them was, to the entire satisfaction of every honourable man in the Province, completely disproved. Their Report, drawn up at the conclusion of their labours, vindicates the conduct of the Lieutenant-governor in the most ample and satisfactory manner, and rescues the loyal electors of the Province from the calumny of having been influenced in the exercise of their elective franchise, by bribery, corruption, intimidation, or any other improper means.

This additional defeat of the revolutionary faction, had the effect of urging them forward to attempt the attainment of their traitorous designs by violence, earlier than, otherwise, in all probability would have been the case. They saw that the great majority of the people were of stern and incorruptible loyalty; their hopes of countenance from their representatives had vanished; their attempts to mislead the British Parliament had resulted in their own disgrace, and the Province was governed by a man who, guided by the principles of the constitution, firmly resolved to do his duty, and they saw that all their efforts to intimidate him, or to draw him aside from the resolution he had formed, to concede nothing to faction, would be fruitless. Meetings were consequently called by the chief agitator, Mr. Mackenzie, and were attended by some few scores of deluded men, at which the treason in progress in Lower Canada was applauded, and secret measures were taken to assist them in their attempt at revolution.

During these proceedings Sir Francis Head reposed in perfect confidence in the tried loyalty of the great body of the people, whose Governor he was, to check and overthrow any attempt that might be made to subvert the Government, and when the Commander of the Forces, Lieutenant-general Sir John Colborne, desired to be informed what number of the troops could be spared from Upper Canada, to assist in putting down rebellion in the Lower Province, Sir Francis Head promptly and unhesitatingly replied, "All." They were accordingly marched to Montreal, and soon after the revolt broke out in the vicinity of that place, and, for a time, fears were entertained that the struggle would be of long duration. The number of troops in the country, it was apprehended, was too small to afford adequate protection to all parts of the Province, and Sir John Colborne, in consequence, applied for additional assistance from the militia of Upper Canada.

It is now well known that a correspondence was kept up between the leaders of rebellion in both Provinces, and it is not improbable that those in Upper Canada were induced to hasten their meditated revolt, with a view of preventing any of the gallant highlanders and other militia of the eastern districts being sent to the assistance of their loyal fellow-subjects in Lower Canada.

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It was supposed by the traitors, that nothing could withstand the rebels there ; and if they were successful, it was assumed that, as a matter of course, Upper Canada must yield also. Far otherwise, we are now warranted in saying, would have been the fact.

Our patriotic Lieutenant-governor had not miscalculated the loyal feeling of the inhabitants of Upper Canada ; his administration had confirmed them in the belief that they would be protected by the British Government. He had by a generous and well-placed confidence awakened their pride and excited the noble feeling of devoted patriotism. At his call they thronged in thousands to the seat of government, to repel the attack of rebellious and unnatural traitors, and tens of thousands would in like manner have marched at his command to protect and maintain the authority of their Sovereign in the Lower Province. To his policy and adherence to the principles of the constitution in the administration of the government, this deeply affecting and gratifying exhibition of enthusiastic loyalty is to be ascribed ; no other policy than his, and few other men than Sir Francis Head, could have called it forth.

The rebellion in Lower Canada was put down by the gallant soldiers and loyal British subjects of Her Majesty, not, however, without a fearful sacrifice of human life and vast destruction of property. In Upper Canada it may be said to have been put an end to by the indignant frown of an insulted people. Hundreds of the repentant offenders have been forgiven by the man who, in the exercise of the Royal clemency, with which he was intrusted, was empowered to extend pardon to them ; thus proving, in a manner the most grateful to his own generous nature, that he was not the tyrant they had been induced to believe him to be. Others, more guilty, await that justice which the laws they would have overthrown may award them ; and the leaders, including Rolph, Duncombe, and Mackenzie, the lauded and cherished patriots of Mr. Joseph Hume, have fled their country, and have found an asylum in the United States, among the robbers, murderers, pirates, and traitors, who, in that republic, bid open defiance to law, and are avowedly protected in their crimes by the sovereign will of the people.

This short and necessarily condensed view of the causes and termination of the recent insurrection in Upper Canada, has been introduced by your Committee for the purpose of showing, by incontrovertible facts, the estimation in which his Excellency, the Lieutenant-governor, is held by the people, and the confidence entertained in his administration of the Government. Notwithstanding this, however, it appears that his Excellency's policy has not harmonised with that of his official superiors, and, as in the case of his predecessor, he has resigned his office. In replying to the announcement of this most unexpected event, your Honourable House truly stated, " That this House and the people of this Province will regard your Excellency's relinquishment of its government as a calamity of the most serious nature, and which may result in difficulties and dissensions that cannot be easily repaired or reconciled. We, however, are fully persuaded that the blame cannot rest with your Excellency ; and while we sincerely and most willingly acknowledge the zeal, ability, justice, and honourable disinterestedness, with which you have conducted the government of this Province during your short but eventful and arduous administration of its affairs, we beg respectfully and affectionately to express, on behalf of this Province, our earnest hope that your Excellency's prosperity in future life may be commensurate with the claims, deep and lasting as they are, upon our gratitude, the approbation of our gracious Queen, and the applause and acknowledgment of the British nation."

His Excellency, it appears, does not feel himself at liberty to disclose the causes which have led to his resignation of the government, and therefore your Committee is precluded from making distinct remark upon them ; but, if it be true, as has been rumoured, that those differences of opinion consist in an unwillingness or refusal on his part to employ the patronage of the Crown, in the vain attempt to conciliate the disaffected, and thus to outrage the feelings of the unquestionably faithful subjects of our Sovereign, his conduct vastly increases his claims upon the gratitude of the people of this Province, and renders it a solemn duty on their part, as far as they have the power, to vindicate and uphold him in the good opinion of Her Majesty and our fellow-subjects of the United Kingdom.

Your Committee feel that your Honourable House would not advance the interests of our country, or act in accordance with the opinions and wishes of the loyal inhabitants of this Province, were you to adopt a factious opposition, or manifest an unbecoming distrust in the justice of the councils by which the interest of the great nation to which we belong is governed ; but it would not be in accordance with the dictates of truth or patriotism, were your Honourable House to forbear honestly and firmly, but most humbly and respectfully to declare to our revered Sovereign, that Her Majesty's devoted subjects here look for some better proof that their allegiance is desired, and that their just claims for protection are respected, than is evinced by, at any time, or under any circumstances, yielding to the enemies of our peace, countenance or support.

Such a course of policy, too long pursued in the sister Province, has been productive of the most baneful effects, in encouraging the mercenary demagogue to pursue his noisy and dishonest course of sedition in the hope of being bribed to silence, and by disheartening the loyal and the honourable, who cannot help feeling that they have been ungenerously treated, when they see the power of a party increased, whose ultimate aim they have the best assurance for believing is their destruction.

In advancing these opinions, your Committee are far from desiring to be understood that they are opposed to a course of policy founded on conciliation, provided it have for its object the dispensing of equal justice to all classes of Her Majesty's subjects. Guided by such motives, those intrusted with the administration of public affairs having first determined to adhere with unwavering resolution to the plain terms of the constitution, will take care never to do wrong for the mere purpose of appeasing clamour, or in the hope that a party fac-

tiously bent on obtaining unreasonable and unjust concessions, may be appeased by granting that to which neither reason nor justice give them any claim. Your Committee believe that the history of every country and nation whose government has for any length of time proceeded on such a system proves that it has in the end fallen into anarchy and ruin.

Your Committee have nothing to add to what they have already set forth in this Report, to prove the application of the opinions just expressed to the policy pursued in these Provinces.

In Lower Canada a people nurtured in hostility to British laws have long been indulged in their unreasonable, and not unfrequently unconstitutional demands, to the great and manifest injustice of a numerous and loyal class of their fellow-subjects; and, in the vain hope of conciliating them, concessions have been made from time to time alike unwise in policy and unjust in principle. And what has been the result? General disaffection, insurrection, and rebellion, against their benefactor.

On the other hand, look to Upper Canada; in two years from the time that the people was told that the constitution was to be the sole rule of government, and that undoubted loyalty and general merit was to be the only passport to the favour and patronage of the Crown, the whole country became united, and as one man the inhabitants declared their determination to uphold their institutions, and prove their devotion to their Sovereign.

Your Committee can only join with their fellow-subjects in the expression of their earnest hope that this noble feeling may never be damped or destroyed by want of wisdom or firmness on the part of those who may be henceforth appointed to rule over them.

Proceeding now to the second point of their inquiry, namely, "the evils that have resulted from the recent rebellion," your Committee will limit their observations to as small a compass as the painful nature of the subject will admit.

Of all the calamities which can visit man, a civil war is assuredly the most to be deplored, and the horrors that usually attend it are most repulsive to a humane mind; and it may be even said, with much appearance of truth, that little value can be attached to human existence in a country visited by such a calamity. That this greatest of miseries has fallen upon these Provinces through the wickedness of its own inhabitants, it would be criminal as well as vain to deny. Living in the positive and undeniable enjoyment of every blessing that reasonable men could desire, they have appeared in arms against the lawful authority of their Sovereign, and have endeavoured to attain their evil purposes by the destruction of the lives and properties of their peaceable and unoffending neighbours. The injury which this unnatural state of things attaches to the character of those who were engaged in it, in a moral point of view is most afflicting; it marks them as a people not only forgetful of their duty to their Queen, but ungrateful to Providence for the innumerable blessings extended to them by Divine favour, nor can these Provinces hope to escape from the fatal consequences of the offences of its people, but through His Almighty protection and merciful forgiveness.

In a more worldly point of view, we see the tide of prosperity upon which the country was borne, and rapidly advancing to wealth and power, suddenly and fatally checked, and made to flow back from us. Our fellow-subjects in the United Kingdom, who have hitherto directed their attention to the Canadas as to a country in which, retaining their allegiance to and living under the protection of their natural Sovereign, they might establish themselves and their families in security and peace, it is to be feared will now look to other countries, as offering a more fit residence for loyal British subjects.

Our trade and commerce, heretofore increasing and affording channels for the accumulation of wealth and independence, will, without doubt, decrease, and, for a time at least, be left to languish and decay. Our revenues, the source of our means (especially in this Province) for proceeding with those vast improvements which, in a few years more of uninterrupted prosperity, would have connected the seaports in every quarter of the globe with Lake Superior, by a canal capable of floating vessels that navigate the Atlantic, will be reduced and rendered altogether inadequate to the great purposes for which they are required; and, in short, a country marked by the hand of nature with the means of advancing in wealth and power beyond any other on earth, is in danger of being stayed in its career of greatness, until the stain that now rests upon its character is effaced, and a remedy is found for the evils under which it is suffering. In what manner this all-important object can be best accomplished, and the prosperity of these noble Provinces be once more restored to its wonted channels, is the next great object of inquiry to which your Committee will direct their attention.

It is believed that it will be admitted by all dispassionate observers, that the representative form of government, as established in Lower Canada, has proved utterly unsuited to the majority of its inhabitants, and that without some change in the existing constitution, it will be impossible to conduct the government there with efficiency or satisfaction to any party. They are further of opinion, that the interests of Upper Canada imperatively require that an efficient government should be established in Lower Canada; and that it is indispensable to the prosecution of the trade and the general advancement of the prosperity of this Province, that under any circumstances it should have the independent control of one of the seaports in the St. Lawrence, and that this control cannot be refused without the denial of a manifest natural right.

Of the numerous projects that have been from time to time suggested for the better government of these Colonies, your Committee will now proceed to notice the most prominent, and such as seem deserving of serious consideration; premising that they pass over any critical examination of the Resolutions adopted by the British Parliament during its last session as not likely to be again seriously entertained. They are clearly liable to two decided objections: 1st. They contain a violent infringement of the existing constitution, for the attainment

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attainment of a present purpose only; and, 2d. They are without the merit of containing any final settlement of existing difficulties or protection from the evil consequences of future dissensions and disagreements.

1st. The first project deserving of notice is the repeal of the Constitutional Act, 31 Geo. 3, so far as the same relates to Lower Canada, and (with some slight variation as regards the imposition of duties and intercourse with Upper Canada) a return to the provisions to the Act 14 Geo. 3, c. 83.

The objections that the inhabitants of Lower Canada, of French origin, might raise to this change in their form of government, ought not to be considered of very great weight. In the first place, it is well known that they violently opposed the introduction of the representative system at the time it was adopted, as being unsuited to their habits and opinions; in the same manner, and probably for the same reasons, that they now oppose the introduction of free and common soccage, instead of the feudal tenure; and, secondly, because they have abused this invaluable privilege of British subjects, and have employed the power it gave them to bring about revolt, and the entire overthrow of the Government.

If, however, our fellow-subjects of British descent should seriously oppose themselves to this change, the question would then be whether such modifications might not be introduced into the measure as would gain their acquiescence. Your Committee venture to suggest the following: Let the number of legislative councillors be considerably increased beyond the number authorized by the 14th Geo. 3; let these be taken in equal numbers from the inhabitants of British and Irish, and of French descent; and let the English language be the only language used in legal and legislative proceedings.

In connexion with this measure, let the boundary line between Upper and Lower Canada be so altered as to give to the Upper Province all the territory lying on the south-west side of the River Ottawa, and of the Chambly Canal, including the Island of Montreal; all of which should be governed according to the constitution now existing.

2d. The next project deserving notice is one of a more important and complex character; viz. a legislative union of all the North American colonies. Your Committee see much in this measure to recommend it to favourable notice, as one of the most important advantages that would immediately result from it is the establishment of British ascendancy, without any change in the principles of the existing constitution.

There can be no reason now for feeling any delicacy or hesitation in speaking of visible and admitted facts, however ungracious or impolitic it might be to do so under different circumstances. The Canadians of French descent in Lower Canada are not loyal. The inhabitants of all the other North American Colonies are loyal; as are also those of British descent in Lower Canada; and they are so, not merely from the abstract sentiment of loyalty or from interest, but because they glory in being British subjects; they feel that the safety and security of their lives and liberties depend on their repelling the encroachments of democracy, which they detest; and because they see and feel the superiority they have over the neighbouring republic in being governed by British laws; and they are convinced that the stability of their institutions can be best secured by maintaining the connexion with the mother country.

If, then, the whole of these Colonies were so far united as to be represented in one Legislature, they would be enabled so to increase and distribute their resources for the benefit of all, that the abundance and facilities of national wealth would lead to and advance their common interest, and place them at once on a level with many powerful nations; their attitude also would be such as to constitute a salutary check on that system of self-government which, placed in the hands of an irresponsible multitude, who disclaim obedience to any law that opposes their will, is now threatening in this western hemisphere to overthrow all those barriers that have hitherto been regarded as necessary to the security of life, property, and that freedom which can only be called "glorious when restrained by law."

If this measure should be considered as the one to be preferred for a final settlement of the government of these extensive Colonies, the Imperial Parliament (through whose interposition alone it can be effected) should have its attention drawn to the necessity of considering whether it would not be desirable to continue the provincial assemblies, with powers limited to the adoption of laws for their local and domestic government, separate from questions of trade and commerce, and such matters as must necessarily affect the interest of all the Colonies. Your Committee can only say, that they entertain a decided feeling in favour of retaining the local assemblies, and they urgently recommend the expression of a similar opinion on the part of your Honourable House.

In connexion with this point of inquiry, your Committee are strongly impressed with the conviction that no act of our beloved Queen would give to her loyal and devoted subjects in this remote part of her dominions, more grateful evidence of Her Majesty's desire to perpetuate the allegiance, than incorporating in Her Royal title the distinct claim of sovereignty over these Her Majesty's extensive and valuable possessions. Such an act would, your Committee firmly believe, have a powerful moral effect throughout this Continent, and serve more plainly and distinctly to draw the line between those sound, substantial, and we trust enduring principles of monarchy which may well boast their pre-eminence over the hollow and ever-varying fancies that spring from a democracy that is controlled by the un-English, unmanly, immoral, and degrading system of vote by ballot, and the pernicious influence of universal suffrage.

Your Committee will dismiss this part of the subject with this one other recommendation; viz. that the title of the person who may henceforth be appointed to the government of these Colonies should be that, of "Viceroy," and that, combined with integrity and talent, such as will at once command confidence and respect, he should always be possessed

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of high rank and distinction as a public man. There was a time when the Royal Dukes of the kingdom did not consider the appointment of Captain-general of British North America unworthy their acceptance; it should be made the object of their ambition now.

3d. Your Committee next proceed to the question of a union of the Provinces of Upper and Lower Canada. Were it not that the inhabitants of Lower Canada, of British origin, regard this project with much favour, and appear to consider it as the best measure for relieving them from the oppression under which they have long suffered from the conduct of the dominant faction in their House of Assembly, your Committee would at once declare their unqualified dissent, but we feel bound not to overlook or treat lightly any suggestion that offers a reasonable hope of relieving our loyal fellow-subjects from their political embarrassments, which now, more than ever, claim our sympathy and consideration. Indeed we feel that unless a change takes place in the constitution and system of government in Lower Canada, it is next to impossible that either that Province or this can advance one step in improvement, and that those who desire to continue to live under the British Crown will be driven to seek some other place of residence.

If, however, the union should be that measure which the Imperial Parliament may ultimately determine upon, care must be taken that British ascendancy is securely established in both branches of the Legislature; upon no other terms can the measure be sanctioned by this Province; and this should be most clearly and positively stated to Her Majesty.

In what manner this ascendancy can be secured, your Committee abstain from offering any positive opinion. A variety of modes, however, may be suggested, founded on a division of territory, and the tenure by which lands are held in the two Provinces, and by restraining freeholders in Lower Canada, holding lands by conveyance, from voting until their titles are registered, as in the Upper Province. The introduction of the laws of England and the use of the English language in all legislative and judicial proceedings should also be insisted upon; and, lastly, it should be stipulated, as a *sine quâ non*, on the part of this Province, that the place selected for the seat of government should be within its limits.

Your Committee are sensible that there are many serious difficulties in the way of carrying the measures of the union into effect, in a satisfactory manner, arising from difference of religion, laws, language, and general habits, in the two Provinces; but they believe these may be overcome, and general satisfaction in the end attained, by rendering them truly British Colonies, by the gradual influences of the changes necessary in the institutions of Lower Canada, and the more general diffusion of education among the inhabitants.

Your Committee, in justice to their fellow-subjects in the Lower Province, who advocate the union, annex their petition, addressed to your Honourable House, on the subject, together with some other documents proceeding from a body of individuals of great respectability and intelligence, which they deem worthy of attentive consideration, and which will be found to supply various arguments in favour of the measure.

4th. The next measure which your Committee consider it necessary to remark upon, is the annexation of the Island of Montreal to Upper Canada, which, though last in their enumeration, they regard, as far the most to be desired for the interest of this Province, and, as they believe, for the benefit of the great body of the people in both Colonies.

With respect to the claim of right on the part of Upper Canada to a seaport, it may be fairly asserted that no single argument or just reason can be urged against it. The division of the Provinces of Upper and Lower Canada in 1791, which left this Province without an independent outlet to the ocean, was unquestionably a great political error, and has been the cause of difficulties and dissensions between the two Colonies that have led to much mischief and even estrangement, that would not otherwise have happened. The motive for the division, as has been stated in a preceding part of this Report, was a generous regard for the feelings and prejudices of the inhabitants of Lower Canada, and it is probable, that as provision had been made for the ultimate payment of the expenses of the Civil Government of both Provinces, by the duties imposed by the Act 14 Geo. 3, c. 88, that the question of revenue (always a delicate and intricate one) did not appear likely to create the embarrassments that have since occurred.

The period, however, has arrived when the condition of both Provinces imperatively requires that the error committed should be repaired, and with the utmost possible promptness. Upper Canada has now attained a population of 450,000 souls, and its increase within the last few years has been such as clearly to show, that in a very short time it will number as many inhabitants as there are now in the Lower Province; and that, proceeding in a like ratio of increase, it will soon outstrip the sister Colony as greatly in population as it already has in commerce and general improvement. It will not be considered as an exaggerated statement to assert that four-fifths of the exports at the port of Quebec are supplied by Upper Canada; that of the 1,000 ships and vessels that annually enter from sea, 900 at least are supplied with freight from this Province, and that our products constitute the chief articles of remittance made to the United Kingdom in payment of the goods imported; and that of British manufactures, by far the greater portion brought to these Colonies is consumed and paid for by Upper Canada.

This statement of the comparative commerce of the two Provinces, founded on data which your Committee believe to be incontrovertible, in itself proves that it is contrary to the plainest rules of justice, that all the seaports through which this commerce flows should be controlled by another Colony; but this is not the only evil of which this Province has to complain. The Legislature of Lower Canada has from time to time enacted laws and adopted regulations applying to the commerce of the country, which have in effect greatly embarrassed the trade of this Province, such as imposing restraints in the export of its timber, flour, potash, &c; and in some instances by the levying of a direct tax, as in the case of

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emigrants from the United Kingdom (since expired), and on lumber passing down the St. Lawrence. The assumption of these powers has been objected to, and, on different occasions, protested against, by the Legislature of Upper Canada, as the unconstitutional exercise of power by one Colony to tax the productions of another, especially as in the instances mentioned, where the articles were merely in transitu to and from the mother country; these remonstrances however have not been heeded by the Imperial Government to whom they were addressed; and the Legislature of Lower Canada having ceased to exercise the functions for which it was created, redress from that quarter can no longer be expected.

But by far the most painful motive for respectfully, but earnestly, urging the immediate concession of the claim of this Province to a seaport, independent of all other control, remains to be stated.

Upper Canada, confiding in the permanency of the institutions of both Provinces, and never supposing it possible that the state of anarchy into which Lower Canada has been thrown by the revolt of the disaffected there, and which so seriously affects every branch of commerce, and all the sources of wealth and prosperity in both Provinces, could have occurred, did not hesitate to incur a heavy debt for the accomplishment of internal improvements of vast magnitude, and corresponding value and advantage to the country generally, fully relying on the continued increase of its revenue from imports at Quebec and Montreal, as well as its own internal revenue, to discharge the interest upon the loans contracted. It is now however sufficiently certain, from the state of affairs in Lower Canada, that revenue from that quarter must be greatly diminished; and, in consequence, Upper Canada finds herself reduced to the inevitable necessity of resorting to direct taxation for the purpose of maintaining its faith with the public, unless it can obtain, without delay, the concession of a plain and undeniable right, namely, a seaport, at which, as in all other countries, the means of raising a revenue presents itself free from the appearance of direct taxation, and where such a discrimination in the selection of articles for the imposition of duties can be made as to cause whatever burdens may be created to fall on parties best able to bear them.

Apart from the claim of right to a seaport, which Upper Canada confidently and earnestly urges, your Committee conceive that in granting it no portion of Her Majesty's subjects will have the slightest reason to complain of injustice. It is not asked for purposes of oppression, or to despoil any party of any single right that in equity belongs to them; on the contrary, every reflecting and dispassionate man must be convinced that, by the annexation of the Island of Montreal to Upper Canada, the ship navigation of the St. Lawrence would be immediately completed to that place; that the improvement of the Ottawa, and other great channels of commerce, would be forthwith undertaken and carried into effect; and that, in short, one of the most effectual and certain measures for restoring prosperity and contentment throughout the country would be the instant compliance with this claim.

Your Committee have no reason to doubt, indeed they have every reason to believe, that at least a large majority of the British population, which the annexation of Montreal and the country lying south-west of the Ottawa, and the Chambly Canal, to Upper Canada, would bring within the influence of English laws and English institutions, would rejoice at the change that would be effected by the measure; and it therefore remains with the Imperial Parliament to determine whether the entreaty of 450,000 loyal subjects in Upper Canada, to have a plain and indisputable natural right conceded to them, and the corresponding wishes of perhaps 50,000 of their fellow-subjects of like character in Lower Canada, should be refused, or for a moment neglected, upon the single ground (your Committee can imagine no other) that the measure would be displeasing to a body of persons not exceeding 1-20th of the number of those who demand it, persons too who have grossly and ungratefully forfeited all claim to indulgence, and who have proved themselves unworthy of retaining the ascendancy that has too long been intrusted to them.

Your Committee have not hesitated, in remarking upon this all-important subject, to express themselves with firmness and decision, not doubting but that our gracious Sovereign and the Imperial Parliament will not ascribe the language they have employed to any factious or illiberal spirit, but to the single desire, with earnestness and sincerity, to point out the justice of their claim, and to prove that they are asking that which they know and feel to be their due, and which, if withheld from them, must be attended with the most disastrous consequences to their future peace and prosperity, and greatly diminish the value of these Provinces to the British Crown.

Having thus suggested their views upon the leading questions which they believe require consideration in the adoption of measures for the restoration of these important Colonies to a situation in which they may recover from the disastrous effects of recent rebellion, your Committee will advert to a very few points not necessarily connected with either of the remedial measures remarked upon, but which, in their opinion, are of importance in themselves as tending to the strengthening and continuing of their connexion with the parent state.

1st. In the first place it must now be manifest, that whatever policy may be adopted with respect to Lower Canada, whether by herself or in connexion with any other Colony, an adequate civil list must be provided for the maintenance of the Civil Government, and the efficient administration of justice. Your Committee indeed have little hesitation in saying, that the relinquishment by the Crown of the power of paying its public servants, independently of an annual vote of the Assembly, is one, and probably the chief, cause to which the recent rebellion in Lower Canada may be ascribed.

2d. The granting of large sums of money, upon the address of the Assembly, at the commencement of each session of the Legislature in Lower Canada, and which were asked for under the pretence that they were required to pay the necessary contingencies for carrying on the business of the House, when in fact it was well known that they were (at least to a large

large extent) to be employed in paying salaries to Members of the British Parliament, who did not hesitate to prostitute the high station they occupied to the promulgation of slander and falsehood against the local authorities, to gratify the malignant spirit of traitors, was not only illegal and unconstitutional, but has, as is now too apparent, been productive of the most pernicious consequences in corrupting the moral feeling of the people of that Province, and in giving encouragement to that spirit of revolt which has at length exhibited itself in open rebellion.

The people of Upper Canada are little interested in the opinions entertained of them by such men as Hume and Roebuck, Leader and Molesworth. They place them in the same scale with Rolph and Mackenzie and Duncombe, in morals and in politics; and they consider themselves justified in believing, that the one party is as much disposed to destroy the monarchy, and, so far as these Colonies are concerned, to effect, by treason and rebellion, the dismemberment of the empire, as the other (and, to show with what justice they make this assertion, as respects Mr. Hume and Mr. Roebuck, they refer to their public and avowed correspondence with the leading traitors of Upper and Lower Canada). But your Committee conceive, that the representative of the Sovereign in any British Colony should never be permitted to advance the revenues raised under the authority of its laws for the maintenance and support of its constitution and Government, for the purpose of being openly and avowedly employed, without the sanction of legislative enactment, by the democratic branch of the Assembly, in pensioning the Members of the Imperial Parliament to advocate and promote the schemes of a party who traitorously aim at revolution.

The representatives of the people in this Province have never ventured upon so flagitious an outrage upon the feelings of their constituents; but the practice, which for the last few years has prevailed in the Assembly of Lower Canada, to pay, from the money advanced by the Crown to discharge the contingent expenses of the session, a salary to Mr. Roebuck, while a Member of the Imperial Parliament, for no other reason, and in the expectation of no other service, than to advance the revolutionary objects of the faction that employed him, has undoubtedly had the effect of creating false impressions in the minds of many persons in the United Kingdom of the true state of feeling in both Provinces, and of retarding emigration to them, to their serious disadvantage; and there is little reason to doubt but that the constant and repeated advice and encouragement given by this pensioned revolutionist to his employers in Lower Canada (and by his political associate, Mr. Joseph Hume, to the traitors of Upper Canada) to persevere in their efforts to rid themselves of their connexion with the parent state, greatly influenced those of weak and wavering minds to join in a rebellion that has resulted in their individual ruin, the shedding of the blood of their fellow-beings, and the distress and misery of the country generally.

Neither can your Committee omit observing that, with the exception of the manly and spirited speech of Mr. Spring Rice, when Secretary of State for the Colonies, delivered in the House of Commons in 1834, in allusion to the infamous letter of Mr. Joseph Hume to his appropriate correspondent, William Lyon Mackenzie, the fugitive traitor from Upper Canada, in which he openly and traitorously urged the inhabitants of this Province to imitate the example of the American Colonies in 1776, and throw off, what he had the audacity to term "the baneful domination of the mother country," the ministers of the Crown appear to have taken very slight interest in repelling the open and insulting attacks made upon the character of their loyal fellow-subjects in this remote portion of their Sovereign's dominions. There was a time when the vigorous and constitutional exercise of the laws of the British empire would have effectually silenced the voice of treason, whether heard in the House of Commons or elsewhere; it might be of signal benefit to the cause of humanity if their power were sometimes let loose even in these days.

3d. Your Committee now beg leave to draw the attention of your Honourable House to a subject to which they attach very great importance, and which is suggested in some degree by the observations contained in the preceding paragraph; viz. the representation of the North American Colonies in the House of Commons by members chosen by themselves. The concession of this important point on the part of the parent state would, your Committee are convinced, be attended with numerous and incalculable advantages. In the first place, it would strengthen the link that now binds the loyal inhabitants of these Provinces to the mother country, by giving to them a share in the deliberations of the councils of the kingdom, by rendering more distinct and obvious the common interest that unites them, and by showing that they are in reality a part of that great empire in which yet centres the hopes of mankind for the preservation and protection of the civil and religious liberties of the world; their patriotic and praiseworthy pride would be encouraged, and their station would be exalted in their own estimation, as well as in that of the British nation. In the next place, it would place within the reach of the Imperial Government and Parliament the best and most satisfactory means of obtaining information upon subjects connected with the trade and general interests of these vast, valuable, and powerful Colonies.

And among many other advantages that might be enumerated, it would supersede all pretence for continuing the baneful and unconstitutional practice of employing agents by what ever faction might be uppermost in the representative branch of the Assembly of the respective Colonies, and afford opportunities for repelling the false and unauthorized statements of such Members of the House of Commons as might venture upon declaiming upon the character and feelings of a people who abhor their political sentiments, and whose notions of government are utterly at variance with those entertained by unauthorized and ignorant intermeddlers in their affairs.

Should this suggestion be adopted by your Honourable House, and at your desire by the Imperial Parliament, as your Committee earnestly hope it may, they offer it as their opinion,

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that the representation of the Colonies should be limited to two from each of the Provinces of Upper and Lower Canada, Nova Scotia, and New Brunswick, and one from each of the Islands of Newfoundland and Cape Breton; that they should be elected in joint Assembly by the Legislative Councils and Houses of Assembly of each Colony at the commencement of every new Assembly, and continue members for six months after the dissolution of the Assembly of the Colony for which they were elected.

4th. The next suggestion to which your Committee beg to draw the attention of your Honourable House, is the necessity (now too painfully obvious) of keeping up a respectable military force within both Provinces.

It must be sufficiently apparent, your Committee believe, that this desire for military protection does not proceed from any apprehension of internal revolt, in Upper Canada at least. Recent events have proved how small the number is that aim at rebellion, and how ready, and how well able the great body of the inhabitants of this Province are to suppress any attempt at insurrection; but the civilized nations of Europe will learn with astonishment that it ceases to be a question whether the "great Republic" of the United States of America, boasting of the superiority of its institutions over those of every other country, has the power of controlling its citizens within limits essential to the maintenance of peace, and the honourable performance of treaties solemnly entered into by it with foreign powers.

The occupation and conquest of Texas in the south, and the assembling of an armed force on its western frontier, openly recruited in its principal cities and towns, commanded by its citizens, and by them also supplied with arms, ammunition, clothing, money, and provisions, and transported, in the presence of, and unrestrained (if not encouraged) by its magistrates and public officers, in steam-boats and other vessels, into this Province, and landed in it for the avowed purpose of overthrowing the Government, and wresting the Colony from the Crown of Great Britain, sufficiently prove, that if the countries bordering on the United States desire to protect themselves from the inroads of freebooters, pirates, and fugitive traitors and outlaws, they must look for security to their own fleets and armies, and not to the honourable forbearance of the American people, or the efficiency or moral influence of their Government.

In making these statements, your Committee do not forget that, before preferring charges so serious in their nature against a foreign power, they should have ample proof of their truth. It would ill become your Honourable House to sanction any statement made by your Committee that could admit of contradiction on a question that might mislead the British nation in a matter so delicate and important; but your Honourable House can fearlessly point to facts too plain and notorious to admit of the slightest contradiction, and which can be attested to by thousands of witnesses, if such proof were required, in justification of the statement they have made; and these proofs no doubt will, if necessary, be collected by the proper authorities, and will be taken into the calm consideration of that nation that makes no boast of its adherence to national faith, or of its power to punish those who violate it. She will do her duty, and require others to do theirs, in every matter that concerns her interest or her honour. In the meantime your Committee reiterate, that because the loyal people of these Provinces have no faith either in the ability or inclination of the Government of the United States to compel its citizens to yield obedience to the laws of nature and of nations, and for no other reason, they are driven to claim the protection of a military force from our gracious Queen.

5th. Your Committee feel that the duty that has been assigned to them by your Honourable House would be imperfectly performed if they omitted notice of the inefficiency imputed by a large class of the most intelligent of our fellow-subjects to that department of Her Majesty's Government in England to which the administration of the affairs of the Colonies are entrusted.

In the observations your Committee may offer on this head of their inquiry, they cannot too distinctly disclaim any design to place on record a word or sentiment that is not dictated by the single feeling of patriotism, and in that light they have no doubt your Honourable House will receive their opinions, and, if adopted, transmit them to our Sovereign.

It appears to your Committee that one of the chief causes of dissatisfaction with the administration of colonial affairs arises from the frequent changes in the office of Secretary of State to whom the Colonial Department is entrusted. Since the time the late Lord Bathurst retired from that charge in 1827, your Committee believe there have not been less than eight colonial ministers, and that the policy of each successive statesman has been more or less marked by a difference from that of his predecessor. This frequency of change in itself almost inevitably entails two evils; first, an imperfect knowledge of the affairs of the Colonies on the part of the Chief Secretary, and the consequent necessity of submitting the direction of important details to the subordinate officers of the department; and, second, the want of stability and firmness in the general policy of the Government, and which of course creates much uneasiness on the part of the governors, and other officers of the Colonies, as to what measures may be approved.

But undoubtedly by far the greatest objection to the system is, the impossibility it occasions of any colonial minister, unaided by persons possessing local knowledge, becoming acquainted with the wants, wishes, feelings, and prejudices of the inhabitants of the Colonies during his temporary continuance in office, and of deciding satisfactorily upon the conflicting statements and claims that are brought before him. A firm, unflinching resolution to adhere to the principles of the constitution, and to maintain the just and necessary power of the Crown, would do much towards supplying the want of local information; but it would be performing more than can be reasonably expected from human sagacity, if any man, or set of men, should always decide in an unexceptionable manner on subjects that have their origin thousands of miles from the seat of the Imperial Government where they reside, and of which they have no personal knowledge whatever, and therefore wrong may be often done

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to individuals, or a false view taken of some important political question, that in the end may throw a whole community into difficulty and dissention, not from the absence of the most anxious desire to do right, but from an imperfect knowledge of facts upon which to form an opinion.

To these objections it may be answered, that although the Chief Secretary of State retires with a change of ministers, the under secretaries (or at all events one of them), and the other subordinate officers of the department, remain and hold their offices permanently, and therefore information on all subjects can be readily imparted to the superior by the gentlemen who are thus retained; and it may be admitted that the knowledge of this fact ought to lessen the force of the objections that rest on other grounds; but it cannot be disguised that there is a growing impatience and unwillingness on the part of colonists, especially in these extensive Provinces, to have the measures of Government, whether connected with their general system of government, legislation, or patronage, controlled by persons who are utter strangers to them, not responsible in any way to themselves or to the British Parliament, and who perhaps, being advanced to their office from length of service, or other like cause, are not regarded as competent (perhaps unjustly) to manage and direct measures which they (the colonies) deem of vital importance. Much of this feeling may be traced to pride; but it is a pride that springs from an honourable and laudable feeling, and always accompanies self-respect, true patriotism, and love of country, and it therefore ought not to be disregarded, nor should any attempt be made to lessen or control it, if it were possible to do so. But the imperfection that exists in the system of colonial government that prevails in England is rendered more apparent by the want of that confidence that ought to be reposed in the distinguished officers who from time to time are commissioned as governors to different colonies than by any other fact that can be distinctly pointed out.

If the statements publicly made, and uncontradicted, be true, there are few colonies from which governors, distinguished for eminent abilities and high character, have not been within a very short time withdrawn, or who have not been compelled to resign their office in consequence of some disagreement with the Colonial Secretary; but as your Committee are not possessed of any official information upon which they can venture to remark on the causes of these disagreements in other colonies, they will confine themselves to a mere reference to the recall of Sir John Colborne, and Sir Francis Head in this Province, and they lament that there is too much reason to adopt the sentiments expressed by the other branch of the Legislature, that the connexion of each of these distinguished officers "with the government of this Colony has seemed incapable of being protracted, with satisfaction to themselves, beyond the period when it became evident that no submission would be made by them to a spirit of factious discontent, which nothing can appease but the destruction of British rule." But your Committee forbear adding anything to the opinion they have already expressed in a previous part of this Report, of the policy and justice of these removals, further than to declare, that the measures lately taken with respect to this province, and which have resulted in the resignation of the government by Sir Francis Head, have more than ever established the conviction that, to insure confidence in the wisdom and justice of Her Majesty's Government some change must be effected in the administration of the affairs of the Colonial Department.

Your Committee conceive that this all-important object would be best attained by, first, granting representation to the more important Colonies in the British House of Commons, as has been already suggested. Second, by placing the administration of the Colonial Department in the hands of a Board, to be composed of a president (who, being a Cabinet Minister, may be removable on a change of administration of the Government), assisted by gentlemen of known probity and talent, selected, if not altogether, at least in part from the Colonies, and who should retain their offices notwithstanding a change of ministry. And third, having selected gentlemen of undoubted ability and integrity to fill the office of governor, to extend to them a liberal and generous share of confidence; to rely upon their honour, and follow their suggestions, and not deprive them of office so soon as they are found to differ with, or are unreasonably complained against by the faction that happens to be in the ascendant in the Assembly, or out of it. Had this confidence been accorded from the time of Lord Dalhousie's administration to the present day, your Committee have no hesitation in declaring it to be their firm belief, that the hideous rebellion that has broken out in Lower Canada would never have occurred.

Your Committee here close their observations on the past political history of these Colonies: "The causes which have led to the recent unnatural revolt, the evils that have resulted from it, and the measures necessary to guard and protect us from the recurrence of a like calamity."

They have endeavoured to perform this important duty to the satisfaction of your Honourable House, and the benefit of their country; they have not hesitated to state their opinions fearlessly and emphatically upon every question that appeared to them to demand investigation, and to employ language and arguments which, free from all ambiguity, would best attest the sincerity of their desire to place the truth before our gracious Sovereign and the British nation, and thus insure a just and considerate attention to our representations.

Your Committee are well persuaded that the government of the British North American Colonies involves far less difficulty than many British statesmen (some of them of great eminence) appear to apprehend. Recent events have proved how ardently the 600,000 inhabitants of Upper and Lower Canada, of British descent, desire to continue subject to the British Crown; neither should it be denied that there may be many of French origin who are sincere in their wish to perpetuate the connexion. This fact being established, it must, your Committee conceive, be admitted as undeniable, that nothing more is required to conduct the Government with harmony and efficiency than the adhering to established law, and administering

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administering justice in the spirit of benevolence and kindness, but with unwavering firmness and resolution.

There was a time, your Committee trust it is now passed, when opinions were entertained by men of influence and high station in England, that separation from the parent state, and connexion with the neighbouring republic, was desired by the people of the Canadas; and there is reason to apprehend that this opinion has had a most injurious influence among those entrusted with the affairs of these Colonies.

In the year 1828, James Stephen, esq., then counsel, and since advanced to the office of Under Secretary of State to the Colonial Department, in his evidence before the Select Committee of the House of Commons on the affairs of Canada, advanced the following opinions with reference to these Provinces: "The ties by which the people are bound to their sovereign are not of the same strong and enduring character as the corresponding obligations between the king and the people in the old European states. It is impossible to suppose the Canadians dread your power; it is not easy to believe that the abstract duty of loyalty, as distinguished from the sentiment of loyalty, can be very strongly felt. The right of rejecting European dominion has been so often asserted in North and South America, that revolt can scarcely be esteemed in those continents as criminal or disgraceful. Neither does it seem to me that the sense of national pride and importance is in your favour. It cannot be regarded as an enviable distinction to remain the only dependent portion of the New World."

Your Committee readily imagine that at the time Mr. Stephen hazarded the opinions contained in the extract from his evidence, he did not sufficiently advert to the vicious construction that might be placed upon them; and they have no doubt but that he will experience unmingled pain and regret, when he learns that the opinions thus incautiously advanced by him were quoted by the leading traitor in this Province, and placed at the head of the last paper he published before he openly engaged in rebellion, as a text from which he argued, not only that "revolt in these Provinces could not be regarded as criminal or disgraceful," but that such was the recorded and deliberate opinion of Her Majesty's Under Secretary of State for the Colonies; and moreover, that the same distinguished gentleman had declared, that it "cannot be regarded as an enviable distinction (for the North American Colonies) to remain the only dependent portion of the New World."

Your Committee pretend not to say that any individual was influenced by the use made of Mr. Stephen's opinions, they hope otherwise; but they well know that their promulgation has excited a deep feeling of regret in the minds of a very numerous and respectable class of the learned gentleman's fellow-subjects in these Provinces, and has led many to consider whether past mal-administration of our affairs may not fairly be attributable to the influence, necessarily exercised by a person holding his highly responsible and confidential situation in Downing-street; and if so, whether that influence can be continued without danger to our future prosperity.

When Mr. Stephen expressed the opinion, that it could not be regarded as an enviable distinction for these Provinces to remain the only dependent portion of the New World, he was essentially misinformed of the true feelings of the people of Upper Canada generally, and of those of British origin in the other Provinces. They have ever considered it as an enviable distinction to be dependent on the mighty and enlightened empire to which they belong. They consider that dependence as their best security against infidelity, lawless outrage, and corrupt government. They see in it the broad distinction that marks a people who submit to the salutary control of the wisest laws ever enacted by human authority for the benefit of man, and of a nation that day by day exhibits proofs of its rapid approach to a state of anarchy, arising from the weakness of its government, and the tumult of political distraction in which its people are continually kept, by those baneful influences to which your Committee has already adverted; viz. annual elections, universal suffrage, and vote by ballot, and the power that these vicious elements of discord place in the hands of the least enlightened to control the more intelligent and respectable.

Your Committee might advert to the frightful degradation exhibited by the people of the southern states arising from the existence of slavery, and the utter disregard of the authority of laws continually displayed by the inhabitants of the west, in the homicides and murders committed, under circumstances the most revolting, and for the punishment of which their so-called courts of justice appear to be powerless.

Neither can the careful observer of passing events fail to see that the time is approaching when the more sedate and wealthy inhabitants of the states lying north and east of the Alleghany Mountains would rejoice to find themselves once more under the protection of a monarchy such as England, as their only certain security from the devastation of a revolution which, whether accomplished by force or otherwise, they plainly see must at no very distant period overtake them.

If anything were wanting to bring conviction to the mind of any man of the truth of these opinions, it is presented in the recent conduct of the people of the republic, and of the chief officers of their state and general government, with respect to these Provinces, and upon which your Committee have already remarked. That conduct, ungenerous and perfidious as it is, has established in the minds of the loyal subjects of our gracious Queen, not only a repugnance to, but an intense hatred of the institutions of a country that either cannot or will not restrain its citizens from the most barbarous and atrocious violations of the laws of God and man.

There is but one other point to which your Committee feel it necessary to make any allusion, and it is a deeply interesting one: they mean the opinion that has been frequently and confidently advanced in this country and in England, that the continuance of the connexion

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nexion now existing between the North American Provinces and the Parent State is not desired by the latter. It is unnecessary for your Committee to say, that the loyal subjects of Her Majesty utterly discredit this assertion, and believe it to be altogether unfounded and untrue. When it is remembered, that although Canada, at the time it was surrendered to the Crown of Great Britain (now not quite 80 years ago), was, in a commercial point of view, of little value, that its trade was chiefly confined to an unimportant traffic in furs, and that the number of vessels that visited its ports from Europe did not probably exceed half a dozen in the course of the year, it was nevertheless considered the most important conquest of the British arms during the then existing war. It cannot be believed, that after having nourished and maintained it until it has attained to the importance of an empire, its population increased from less than 70,000 to more than 1,000,000 of souls, consuming the fabrics and manufactures of the United Kingdom to the amount of millions, paying for them by the product of its fields and forests, and employing more than 1,000 British ships and vessels in its commerce; that at the very moment when the vast expenditure and generous protection that has brought it to this state of maturity is about to be repaid by the increased value of its trade and exhaustless fisheries, and the resource it ensures in the event of a foreign war, further supply of timber, and other indispensable materials required by the navy of the empire, and for other national objects; that it could enter into the imagination of any statesman having the slightest pretensions to the character of a patriot, or who wished to uphold the honour of the Crown, or advance the wealth and power of the kingdom, to suffer such a measure to receive his sanction as the voluntary relinquishment of the sovereignty of Canada, or any portion of British North America; and in the confidence that such must be the sentiments of the British nation, your Committee have little doubt but that the Imperial Parliament will not fail, whenever the subject shall be brought under its notice, distinctly and emphatically to respond to the feeling that universally prevails among Her Majesty's loyal subjects on this continent, that the connexion should continue inviolate and perpetual. Great Britain never has been, and never will be, the country that will withdraw its support from any portion of its dominions, or from any people that can justly claim her protection; and when it is brought to mind that one portion of the vast increase in the population of these Provinces is by immigration of our fellow-subjects from the United Kingdom, who have been encouraged to seek an asylum here and invest their capital in its commerce, under the full assurance, that as British subjects they would be maintained in their rights and privileges as such; and that another portion is composed of those loyal men and their descendants who, in the contest that ended in the separation of the now United States from the British Crown, adhered to their allegiance, and shed their blood, and forfeited their estates, rather than unite themselves with traitors. There can be no reason—no! not the slightest—for believing that we shall be ungenerously discarded, as has been desired, and therefore asserted, by the enemies of our peace and the honour of England. And there is the less reason for apprehending this when proof so undeniable can be pointed to, as that which has recently been given, that like their fathers in the American revolution, the inhabitants of Canada of British origin are ready, at the sacrifice of every earthly possession, to maintain “The unity of the Empire.”

All which is respectfully submitted.

Committee-room, House of Assembly, }
8 February 1838.

(signed) Henry Sherwood,
Chairman.

APPENDIX.

Dear Sir,

Montreal, 26 January 1838.

As Mr. Badgley had not time to answer your letter of the 15th instant before his departure for London, I have now the honour of transmitting to you certain tables in illustration of the printed pamphlet.

From Table (A.) you will see, that according to the present subdivision of the Province into counties, constituencies decidedly English return 15 representatives; and from Table (B.) you may discover, that according to the proposed subdivision of the printed pamphlet, such constituencies would immediately return 25 representatives. You will also perceive, that constituencies decidedly French, or nationally doubtful, must return 75 representatives in the former case, and 61 in the latter. The nationally doubtful constituencies, which of course are daily becoming more and more Anglified, are those of the westward of Montreal, the upper and lower town of Quebec, the county of Beauharnois, and the town of William Henry; and it may not be amiss to mention, that there is at this moment an English representative for each division of Quebec. You will further observe, that the gradual increase of representation, as contemplated by the printed pamphlet, would be almost exclusively English.

I am in candour bound to admit, that the representatives of decidedly English constituencies have not always been loyal men; but I can confidently add, that in this respect a change has taken place for the better. To say nothing of the wall of partition which the recent rebellion has erected between the two races, the counties of Stanstead and Drummond, which at the last general election were thoroughly radical, have since then returned one conservative member each.

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With regard to the representation of Upper Canada in any united assembly, the Constitutional Association of Montreal entertains no sectional jealousy. On this head I may confidently appeal to the printed pamphlet; and I may add, that the proposition of the printed pamphlet has been embodied in the instructions of our agents, Mr. Moffatt and Mr. Badgley. All that we ask is, that you may co-operate with us in the good cause, and demand for yourselves whatever may seem requisite to the common security of your Province and of the Empire.

The Table (B.) shows the number of members that will be returned according to the proposed new division of counties in the appendix of the printed pamphlet, being :

	British.	French.
	25	61
The counties of Hull and Shefford, of this division, having a population, according to estimation in March 1836, of 3,190 and 3,217, will probably have 4,000 each at the next election, and be entitled to another member - - - - -	2	—
	27	61

According to the principle there laid down, each Province would have an equal representation, and the national origin of the constituencies would be as follows :

	British.	French.
Upper Canda - - - - -	86	—
Lower Canada - - - - -	25	61
	111	61

British majority, 50 members.

A change is expected ere long, in the return of members from the following places, viz.

	Members.
The west ward of the city of Montreal - - - - -	2
Upper Town of the city of Quebec - - - - -	2
Lower Town - - - ditto - - - - -	2
The county of Beauharnois - - - - -	2
The town of William Henry - - - - -	1
	9

But it is uncertain how soon; and it must be contingent on our obtaining registry-offices, and laws for the commutation of the feudal tenure. When, however, these members are returned by British majorities, there will be nine to add to the number of British, and to deduct from the French members, with the following result :

	British.	French.
Upper Canada - - - - -	86	—
Lower Canada - - - - -	34	52
Ditto - - expected from Hull - - - - -	1	—
Ditto - - expected from Shefford - - - - -	1	—
	122	52

Eventual supposed British majority - - - - - 70 members.

I am, &c.

Thomas M'Kay, Esq. M.P.
Toronto.

(signed) P. M'Gill,
Chairman Montreal Constitutional Association.

Appendix (A.)

STATEMENT showing the Number of British and French Members of the House of Assembly of Lower Canada, returnable according to the Division of the Counties under the Provincial Statute of 1829, the 9th Geo. 4, c. 73.

No.		Square Miles.	Census of 1831.	Members returnable by British and French Constituencies.	
				British.	French.
1	County of Acadie - - - -	250	11,419	-	2
2	— Beauharnois - - - -	717	16,857	-	2
3	— Berthier - - - -	8,410	20,225	-	2
4	— Chambly - - - -	211	15,483	-	2
5	— Lachanay - - - -	299	9,461	-	2
6	— Laprairie - - - -	238	18,497	-	2
7	— L'Assomption, besides vacant } tracts in rear, 4,800 - - - }	208	12,767	-	2
8	— Missisquoi - - - -	360	8,801	2	-
9	— Montreal - - - -	197	43,773	-	2
	City of Montreal, West Ward - - -	-	-	-	2
	— — East Ward - - - -	-	-	-	2
10	County of Ottawa - - - -	31,669	4,786	2	-
11	— Richelieu - - - -	373	16,149	-	2
	Town of William Henry - - - -	-	-	-	1
12	County of Rouville - - - -	429	18,115	-	2
13	— St. Hyacinth - - - -	477	15,366	-	2
14	— Shefford - - - -	749	5,087	2	-
15	— Stanstead - - - -	632	10,306	2	-
16	— Terrebonne - - - -	3,169	16,623	-	2
17	— Two Mountains - - - -	1,086	20,905	-	2
18	— Veaudreuil - - - -	330	13,111	-	2
19	— Vercheres - - - -	198	12,319	-	2
20	— Champlain - - - -	783	6,991	-	2
21	— Drummond (census 1836) - - -	1,674	4,840	2	-
22	— Nicolet - - - -	487	12,504	-	2
23	— St. Maurice - - - -	9,810	16,909	-	2
	Town of Three Rivers - - - -	-	-	-	2
24	County of Sherbrooke - - - -	2,786	7,104	2	-
25	— Yamaske - - - -	283	9,496	-	2
26	— Beauce - - - -	1,987	11,900	-	2
27	— Bellechasse - - - -	1,775	13,529	-	2
28	— Dorchester - - - -	348	11,946	-	2
29	— Islet - - - -	3,044	13,518	-	2
30	— Kamouraska - - - -	4,320	14,557	-	2
31	— Lotbiniere - - - -	735	9,191	-	2
32	— Megantic - - - -	1,465	2,283	1	-
33	— Montmorencie (census of 1836) - -	7,396	4,137	-	2
34	— Orleans - - - -	69	4,349	-	2
35	— Portneuf - - - -	8,640	12,350	-	2
36	— Quebec - - - -	14,240	36,173	-	2
	City of Quebec, Upper Town - - -	-	-	-	2
	— — Lower Town - - - -	-	-	-	2
37	County of Rimouski - - - -	8,840	10,061	-	2
38	— Saguenay - - - -	72,700 } 2,390 }	8,385	-	2
39	— Bonaventure - - - -	4,108	8,309	-	2
40	— Gaspé - - - -	3,281	5,003	2	-
40	Counties.			15	75

Appendix (B.)

RETURN of Members to the House of Assembly, according to the New Division of Counties in the Province of Lower Canada, contained in the Appendix to "A Representation on the Legislative Union of the Provinces of Upper and Lower Canada, by the Constitutional Association of the City of Montreal, published on the 23d March 1837."

No.		Square Miles.	POPULATION.			Members returnable by British and French Constituencies.	
			Census of 1825.	Census of 1831.	Supposed in March 1836.	British.	French.
	The Counties of						
1	Ottawa, besides waste lands -	635	693	1,632	- -	1	
2	Hull - ditto - ditto -	620	803	2,543	3,290	1	
3	Clarendon, ditto - ditto -	534	-	599	1,330	1	
4	Chatham - - - -	728	3,599	6,935	- -	2	
5	Terrebonne - - - -	563	28,699	29,046	- -	-	2
6	L'Assomption - - - -	376	19,275	20,791	- -	-	2
7	Berthier - - - -	8,348	15,935	20,225	- -	-	2
8	Kilkenny, besides waste land -	518	480	1,437	- -	1	
9	Chambly - - - -	409	27,924	27,802	- -	-	2
10	Laprairie - - - -	488	28,286	29,916	- -	-	2
11	Beauharnois - - - -	717	-	16,857	- -	-	2
12	Veaudreuil - - - -	330	11,144	13,111	- -	-	2
13	Richelieu - - - -	473	15,896	17,365	- -	-	2
14	Rouville - - - -	683	21,010	22,905	- -	-	2
15	Missisquoi - - - -	421	9,676	13,710	- -	2	
16	Shefford - - - -	602	1,438	2,534	3,317	1	
17	Brome - - - -	420	2,580	5,594	- -	2	
18	Stanstead - - - -	458	5,956	8,131	- -	2	
19	Montreal - - - -	197	37,085	43,773	- -	-	2
	City of Montreal, West Ward -	-	-	-	- -	-	2
	— — — East Ward -	-	-	-	- -	-	2
	Town of William Henry -	-	-	-	- -	-	1
20	County of St. Maurice - - -	9,810	15,679	16,909	- -	-	2
	Town of Three Rivers - - -	-	-	-	- -	-	2
	The Counties of						
21	Champlain - - - -	783	5,891	6,991	- -	-	2
22	Yamaske - - - -	459	16,152	17,565	- -	-	2
23	Lotbiniere - - - -	453	6,227	6,816	- -	-	2
24	Drummond - - - -	827	1,027	3,188	4,304	2	
25	Blandford - - - -	767	27	181	536	-	
26	Sherbrooke - - - -	588	2,758	4,074	5,870	2	
27	Enfield - - - -	808	1,055	1,639	2,454	1	
28	Middlesex - - - -	1,041	151	242	357	-	
29	Worcester - - - -	828	922	1,346	2,360	1	
	Town of Sherbrooke - - - -	-	-	-	- -	2	
	The Counties of						
30	Megantic - - - -	892	249	3,457	4,000	2	
31	Devon - - - -	799	-	38	- -	-	
32	Dorchester - - - -	476	13,792	16,056	- -	-	2
33	Beauce - - - -	807	8,689	12,600	- -	-	2
34	Wooburn - - - -	1,478	-	-	- -	-	
35	Bellechasse - - - -	1,775	12,920	13,529	- -	-	2
36	L'Islet - - - -	3,044	13,058	13,508	- -	-	2
37	Kamouraska - - - -	4,320	13,478	14,557	- -	-	2
38	Ramouski - - - -	8,840	8,500	10,061	- -	-	2
39	Portneuf - - - -	8,640	11,169	12,350	- -	-	2
40	Quebec - - - -	14,240	31,000	36,173	- -	-	2
	City of Quebec, Upper Town -	-	-	-	- -	-	2
	— — — Lower Town, 7,396 -	-	-	-	- -	-	2
41	County of Montmorenci, including the Island of Orleans, 69 -	7,465	7,539	8,092	8,486	-	2
	The Counties of						
42	Saguenay - - - -	72,700	7,703	8,385	- -	-	2
43	Bonaventure - - - -	4,108	-	8,309	- -	2	
44	Gaspé - - - -	3,281	-	5,003	- -	2	
44	Counties.					25	61

Montreal, 24 January 1838.

PETITION of the President and Secretary of the Constitutional Association of *Montreal*.

UPPER
CANADA.

To the Knights, Citizens, and Burgesses of the Province of Upper Canada, in Provincial Parliament assembled.

No. 30.

The Petition of the Undersigned, for themselves, and in behalf of the Constitutional Association of Montreal. (*Vide* Appendix (G.) in Sir F. B. Head's Despatch to Lord Glenelg of the 12th March 1838, p. 151.)

Sir F. B. Head to
Lord Glenelg,
13 March 1838.

Encl. 3, in No. 30.

Enclosure 4, in No. 30.

To the Queen's Most Excellent Majesty.

Most Gracious Sovereign,

We, Your Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly beg leave to represent to Your Majesty, that the prosperity of this Province has been greatly retarded by an Act of the Imperial Parliament, passed in the fourth year of the reign of His late Majesty King George the Third, intituled "An Act to prevent Paper Bills of Credit, hereafter to be issued in any of His Majesty's Colonies and Plantations of America, from being declared to be a legal tender in payment of money, and to prevent the legal tender of such Bills as are now subsisting, from being prolonged beyond the period limited for calling in and sinking the same."

Encl. 4, in No. 30.

Your Majesty's faithful Commons therefore pray that Your Majesty will be pleased to recommend to your Imperial Parliament to repeal the said Act, so far as relates to this Province.

Commons House of Assembly, }
27th Feb. 1838.

Allan N. MacNab,
Speaker.

Enclosure 5, in No. 30.

To the Queen's Most Excellent Majesty.

Most Gracious Sovereign,

We, Your Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly pray that Your Majesty may be graciously pleased to recommend to your Imperial Parliament to provide by statute for the just proportion of duties due to this Province, arising from imports at the Port of Quebec, under the provisions of the 6th Geo. 4, c. 114, and other imperial statutes, passed since the Canada Trade Act.

Encl. 5, in No. 30.

Commons House of Assembly, }
26th Feb. 1838.

Allan N. MacNab,
Speaker.

Enclosure 6, in No. 30.

To the Queen's Most Excellent Majesty.

Most Gracious Sovereign,

We, Your Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly pray that Your Majesty will be graciously pleased to direct your Principal Secretary of State for the Colonies, to take such measures as will cause to be speedily funded in the Public Debentures of this Province, such monies as have been raised in this Province, whether from the sale of public lands, clergy reserves, Indian lands, or from any source whatever, and are now placed at interest, or funded in the stocks of Your Majesty's United Kingdom, or elsewhere.

Encl. 6, in No. 30.

Commons House of Assembly, }
26 Feb. 1838.

Allan N. MacNab,
Speaker.

Enclosure 7, in No. 30.

To the Queen's Most Excellent Majesty.

Most Gracious Sovereign,

We, Your Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly represent to Your Majesty, that in the opinion of this House, the casual and territorial revenue of this Province should not continue to be burthened with the sum of 7,295*l.* for religious purposes; but that this charge should be borne out of the proceeds arising out of the sales and leases of the clergy reserves.

Encl. 7, in No. 30.

Commons House of Assembly, }
26th Feb. 1838.

Allan N. MacNab,
Speaker.

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CORRESPONDENCE RELATIVE TO THE

No. 31.
Sir F. B. Head to
Lord Glenelg,
20 March 1838.

— No. 31. —

(No. 43.)

COPY of a DESPATCH from Sir *F. B. Head*, Bart., to Lord *Glenelg*.

My Lord,

Upper Canada, Toronto, 20 March 1838.

I HAVE the honour to transmit to you herewith a copy of a communication which, on the 15th instant, I addressed to His Excellency H. S. Fox, Esq., Her Majesty's minister at Washington.

I have, &c.

(signed) *F. B. Head*.

Enclosure in No. 31.

Sir,

Toronto, Upper Canada, 15 March 1838.

Encl. in No. 31.

I AM not yet relieved by the arrival of Sir George Arthur, but I may expect to be so in a very few days; and it is proper that I should, in the mean time, put you in possession officially of such circumstances as have occurred upon our frontier since I last wrote to you.

In my letter of the 3d instant I apprised your Excellency of the occupation of Hickory Island, in this Province, by a large party of armed Americans from the State of New York, and of the possession, in like manner taken, of Fighting Island in the Detroit River, by a band of ruffians armed and equipped, and marching openly upon their expedition, almost within view of the capital of the State of Michigan. The dispersion of both of these bands by Her Majesty's forces, and their flight from this Province, have been also stated to your Excellency; but it is not without regret, and I am constrained to say not without a strong feeling of indignation, that I have to add to this catalogue of aggressions, made by American citizens during a warfare openly carried on by them for more than three months past, by reporting another quite as flagrant as any that have preceded it, and attended with a more calamitous result.

After Colonel Townsend had driven the party from Fighting Island, Colonel Maitland, who commands in that district, was led, by communications he received from the American officer commanding at Detroit, to believe that this attempt would be the last, and that our frontier would thenceforward be unmolested by further attacks from that quarter.

But, notwithstanding the American officer seemed to entertain this expectation very confidently, and notwithstanding General Scott, who has been specially sent by the President of the United States to restrain the lawless conduct of the American people, had just passed up from Buffalo to Detroit through Sandusky, and must have had (as one would have supposed), ample opportunity to know what was going on in that vicinity, unless, indeed, all the American people are combined to promote these outrages, and assist the authors of them, it is most extraordinary that I should have to state to you, that, on the 1st of March instant, Colonel Maitland being in command at Amherstburgh, received information that many hundreds of Americans had taken forcible possession of a large island called Pelé Island, in Lake Erie, about 20 miles below Amherstburgh, and nearly the same distance from our main shore.

This island is about nine miles long, and four or five wide, and is in part cultivated, there being a number of Canadian farmers resident upon it, whose stock and other property were taken, to a considerable amount, by this army of Americans. Colonel Maitland instantly proceeded with his troops and militia to dislodge them, which he did effectually, but only after a contest in which two men of the 32d regiment and one of the militia were killed, and a number wounded. Of the Americans four officers and seven men were killed, and 11 more made prisoners, five of whom were wounded.

On the day following this affair, an officer of our militia, in returning to Amherstburgh on the ice of Lake Erie, met two persons about a mile and a half from our shore, and thinking there was something suspicious in their movements and appearance, he stopped them, and made them prisoners. They proved to be a Mr. Sutherland, who had for a long time past assumed the rank and command of brigadier-general of what he called the Patriot army, and a young man by the name of Spencer, his aid-de-camp, calling himself captain. They were both armed with swords, and, when taken, were travelling in the direction of Pelé Island. Your Excellency will recollect that this Sutherland was the commander of the party who took possession of Bois Blanc Island, and to which the armed schooner belonged which was employed under his orders in battering the town of Amherstburgh. You will probably also remember

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respective jurisdictions, to interfere with the political concerns of Canada, or of any of the British dominions." I quote no more of this letter, but it is all worth reading, bearing in recollection what has happened since it was written. Admitting that Governor Marcy and the Secretary of State were perfectly sincere in the estimate which they formed of the feelings and principles of their citizens, it is but too plain that the opinion which the now fugitive traitors from these Provinces had expressed upon this point were much more correct; and that Mr. Roebuck, from his letter to the people of England, published so early as December last, seems also to have ascertained the true state of things with much greater accuracy. This, however, is now of little moment to be considered; but it is very material to observe with how much distinctness and confidence the Secretary of State announces in Governor Marcy's name, "that the authority of the State would be promptly interposed to prevent any interference of their citizens in the political concerns of Upper Canada."

Early in December last, hundreds, or rather thousands, of American citizens combined openly to raise soldiers to invade this Province; found them arms, provisions, and money for the service; and, in the face of the American authorities, equipped an army, which, under an American leader calling himself a general, took forcible possession of a portion of Upper Canada, and fired day after day upon our people with artillery and arms taken from American arsenals. Three weeks after these disgraceful transactions, the Legislature of the State of New York was assembled in the ordinary course, and Governor Marcy, in his annual official Message intended to embrace every public topic interesting to the State, takes no more notice of these shameful proceedings of his fellow-citizens which were still notoriously in progress, than he does of anything that had happened in New Zealand.

Under similar circumstances, the Governor of the State of Michigan observed a precisely similar line of conduct. This may, to be sure, have been accidental; but it looks very much like the pursuing an understood system of policy not the most friendly to Great Britain, nor very easily to be reconciled with national duties; and after it had been stated "that the authority of the State would promptly interpose, &c.," it is hard to understand that the State had so little concern in the matter as to make it unworthy of the attention of the Legislature. The truth is, that no obstacle whatever was thrown in the way by the government of the State of New York, except the issuing of a proclamation which was treated with utter disregard; and it was only when there seemed reason to apprehend, from the collection of a large force upon our frontier, that the many pieces of United States cannon, which had been for weeks used in making war upon this Province, were about to fall into the hands of Her Majesty's forces, that the government of the State of New York were roused to any visible exertion, and their exertion then was solely directed to the protection of their own property, and was not carried to such an extent as to be attended with the least effect.

But no sooner did the British officer in command on the Niagara frontier find it necessary, as a measure of self-defence, to attack and capture a small steam-boat, openly employed in the service of these American citizens, against whose warfare the government of the State of New York had wholly failed in the slightest degree to protect us, than Governor Marcy makes this occurrence the subject of a hasty and earnest and exciting appeal to his legislature, unhesitatingly applying to it the epithets of "outrage" and "massacre." Then, also, he announces that he had called out the militia, and taken efficient means to protect their soil from invasion; and he calls upon the legislature to unite with him in further measures. It seems not very intelligible how it can be more the concern or the duty of a State to prevent their neighbours from defending themselves against injuries, than to restrain their own people from inflicting those injuries; and if Governor Marcy could call out the militia for the purpose of securing to the ruffians on Navy Island an undisturbed intercourse with the State of New York, and impunity in their hostile proceedings, I do not know why he should not long before have called them out to enforce obedience to the laws of Congress, and the authorities of the State, when they were openly and violently resisted, and to protect the public artillery and arms from being repeatedly plundered from their arsenals. The inference, however, which I believe I may say is drawn from these transactions by the inhabitants of Upper Canada from its eastern to its western extremity is, that it was intended to let the experiment proceed of attempting to overrun Canada with American citizens, assisted by American artillery and arms, without offering it any other obstruction than a proclamation which nobody regarded, and which no attempt was made to enforce. It must at least be admitted to be a great misfortune to live near a nation in which the powers and duties of the government are either so singularly arranged, or so strangely carried into effect.

The allusion made to the destruction of the *Caroline*, reminds me that in your Excellency's letter of the 6th February last, I am informed that the American Government are collecting affidavits for the purpose of contradicting the official report made to me of that transaction, by the officer under whose orders it was executed, and with the view of urging a claim for reparation upon the British Government; and your Excellency has recommended to me to take any further measures that may seem to me necessary for placing that matter fairly before Her Majesty's Ministers.

I must candidly confess to your Excellency, that after all that has occurred before and since the destruction of the *Caroline*, I find it difficult to turn with patience to a reconsideration of that subject. The particulars are already before the world, upon the oath and the honour of British officers of untarnished reputations, independently of the other proofs by which their statements were accompanied; and unless justice has fled from the earth, I do not know how any grave attempt of the American Government to make that matter the subject of complaint, and of application for redress, can be expected to receive the slightest degree of countenance. The most prominent feature in the injurious treatment which this
unoffending

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unoffending Province has received, at the hands of the American nation, is, the utter disregard of truth which has been shown by the thousands of people who have been active in inflicting these injuries, and who, when describing anything that has happened, either in this country or their own, connected with their flagitious proceedings, seem to be guided by no other rule than to make such statements as may be most likely to advance their unjust cause. We are, therefore, entirely at the mercy of whatever may suggest itself, as suited to serve the purpose; and all that can be said is, that when the representations have been made, upon which it is intended to rely, if they are such as in the judgment of Her Majesty's Government call for any explanations or reply, not furnished by the documents already forwarded, I take it for granted the Lieutenant-governor of this Province will be referred to on the subject.

I have never been for a moment surprised that the people upon the frontier of the State of New York should have shown the strongest disposition to make the destruction of the *Caroline* the means of creating all possible excitement. They were before utterly without a pretext for the accumulated wrongs and insults they had committed, it might make their cause thenceforward less odious and more prosperous, if they could contrive to make this most justifiable act of self-defence appear to be an injury inflicted upon their country, which their pride and patriotism made it their duty to resent. After what they had already done, this additional injustice could not occasion much surprise.

What alone is to be wondered at and regretted is, that the Government of the United States should not have felt it safe and expedient to render so natural a homage to justice, as to reprove the authors of this unfounded and preposterous complaint, by calmly telling them that their own outrageous violation of the laws of their country, their indecent defiance of their Government, and their shameful conduct towards their friendly neighbours, was the sole cause of the destruction of the *Caroline*; that they not only rendered that act natural, and justifiable, but would have warranted a much more signal retribution; and that this solitary act of self-defence was but an insignificant consequence of a disgraceful warfare, which, if persisted in by them, must inevitably lead to general desolation and misery.

That the Government of the United States thinks fit to pursue a different course is, I suppose, to be ascribed to a desire to anticipate an expected demand for reparation by advancing a claim of their own; and it may probably be thought not impossible to give so serious an importance to this question as to produce an impression that but for this act on the part of Her Majesty's forces the excitement would long ago have ceased, and that this alone has put it out of their power to quiet their people, and to restore peace.

I can discern, in the correspondence you have sent me, the display of such a policy; perhaps Great Britain may be influenced in the manner which seems to be hoped for, but I believe it to be scarcely possible. At the same time I am sensible that any strong feeling of dissatisfaction at the conduct of the American Government would probably be misplaced, since it seems to have power and influence only when it seconds the inclinations of the multitude; and it acts therefore, I dare say, under the conviction, that their treating the question according to the principles of reason and justice would avail little for our protection, while it would endanger some interests of their own. It has indeed been already very loudly proclaimed at large meetings of the citizens of the State of New York, that if their Government does not procure for them what they call satisfaction, they will make war of their own accord and redress themselves. If the Government of the United States has indeed wholly lost the power of enforcing its laws, and maintaining its treaties, it is perhaps desirable that things should, without delay, be brought to this issue, however calamitous it is to contemplate. When a people reject and defy all restraint of their Government, and refuse to submit to the obligations of reason and justice, there is but one remedy for enforcing respect for those rights which they are bent upon violating, and the sooner the sufficiency of that remedy is put to the test the better.

I observe, by Mr. Forsyth's letter of the 13th ultimo, that he appears to consider the capture of the *Caroline* as a measure inconsistent with the resolutions expressed in my speech at the opening of the Legislature, in which I expressed "every confidence in the disposition of the American Government to restrain its citizens from taking part in the conflict which he says was raging in this Province, and my determination to await the result of the communications which I had made to the Government of the State of New York and to yourself." He observes also, "that the measures on the part of the United States have been as prompt and vigorous as they have been successful in repressing every attempt of the inhabitants of the frontier states to interfere unlawfully in (what he calls) 'the contest.'" And he concludes by saying, that "the most serious obstacle thrown in the way of those measures was the burning of the *Caroline*, which, while it was of no service to Her Britannic Majesty's cause in Canada, had the natural effect of increasing the excitement on the border which the Government was endeavouring to allay."

Now I beg to remark, that on the 28th December, when I made the speech alluded to by Mr. Forsyth (and still less on the 13th February, when he wrote this letter to your Excellency), no "conflict" whatever was "raging in this Province." On the 7th of December a most wicked but utterly hopeless insurrection, which began on the 4th, was put an end to without the loss of a life, by the civil inhabitants of the country. From that time to the present there has been no conflict whatever in this Province, in which American citizens could either interfere or be restrained from interfering; but, during all that time, there has been and still is actual war carried on by the citizens of the United States, under American leaders, with American arms and supplies of all kinds, and a war of invasion, for the sole and avowed object of separating this colony from the British crown; a war unaided by

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a single individual in arms in the colony, but which, on the contrary, the brave, peaceful inhabitants of Upper Canada are to this hour occupied, at great expense and inconvenience, in repelling.

In the next place, as to any contradiction which the burning of the Caroline may be supposed to have given to the declarations quoted from my address to the Legislature, I have to remark, that the speech alluded to was delivered to the Legislature in Toronto on the 28th December, and the Caroline was captured in the night of the 29th in the river Niagara. It must be very evident that no change of my intentions, in the mean time, could have led to that act, of which I was so far from being in any manner cognizant that I was wholly unconscious of the existence of such a steam-boat till I received the report of her destruction. I had quite as little connection with this vessel before its destruction took place, and quite as little knowledge of any intention of its projected destruction, as Governor Marcy could have had; there was, therefore, no inconsistency on my part. If I had been aware of the occasion for such an attack, I should undoubtedly have sanctioned it; at least such is now my impression; for though I meant, as Mr. Forsyth remarks, to await replies to the statements I had forwarded, and had earnestly inculcated upon the officer commanding at Chippewa a cautious forbearance, I could never be supposed to desire more than that he should not suffer anything to be done in the spirit of retaliation; in other words, that he should not insult or injure the American people, because American citizens had insulted and injured us. It would be strange to imagine that I had pledged myself to allow 700 or 800 ruffians, whom the American authorities on the spot had shown and confessed their unwillingness or inability to restrain, to transport, in peace and unmolested, artillery, arms, and men, and to form a military position upon our territory, such as would secure their continued occupation of it, and cover their further advance into the Province. The moment it became obvious to the officer commanding on the frontier that the deputy marshals of the United States either could not or would not do anything effectual for our protection, it became his imperative duty to ward off the threatened blow, and to silence the fire of the United States' artillery, which had actually been commenced upon us by all the means in his power.

I might forbear, I think, to ask your Excellency to compare Mr. Forsyth's assertion, that the measures adopted by his Government "had been completely successful in repressing every attempt of the inhabitants of the frontier states to interfere unlawfully" in what he chooses to call the contest in this Province, with the fact that two months before he wrote there had been hundreds of men in arms, at several points of the frontier, ready to invade Upper Canada, if they had found it in any quarter unprepared for resistance; that while he was writing that letter it is quite notorious there were several such collections of armed men, under American leaders, at various points opposite to Canada; that, although in some instances, when these bands of ruffians have been driven back by our forces, they have been met and disarmed by the officers of the American Government. I know but one instance in which they have managed, by their interference, to arrest the attempt, and prevent its running its full course; and, moreover, since this letter of Mr. Forsyth's was written, our frontier has been invaded at no less than four points, near Kingston, Fort Erie, Sandwich, and at Pelé Island, by armies of American citizens, with arms and artillery plundered from one arsenal after another; and at that point nearest to the seat of Government in the State of New York (I speak of the invasion from French Creek), thousands of American citizens rushed to the frontier to countenance and abet this shameful warfare. When Mr. Forsyth says that every such attempt has been repressed, I affirm that not one such attempt has, to my knowledge, been repressed within the American territory; while, on the other hand, it is certain that the officers of the American Government, commissioned for that purpose, have repeatedly warned our officers of the expeditions which were openly on foot against this Province, and have assured them of their utter inability to prevent them; nor can I forbear to record the remarkable fact, that in the course of this three months' warfare waged against us by American citizens, every public arsenal throughout an extent of about 600 miles of frontier seems to have been plundered of artillery and muskets; and that, so far as I have observed, no attempt at this description of robbery seems to have failed of success. And notwithstanding the fair warnings which the first outrage of the kind offered, I have not found that a man has been killed or wounded in the attempt to defend these public arms, nor any one injured on the side of the assailants; nor has it appeared that a single individual in the state of Michigan or New York concerned in such offences has been brought to punishment.

If these facts can be explained in a manner consistent with the honour of the government of the United States, I can only say that I have not yet seen the explanation attempted.

With respect to the assertion that "the destruction of the Caroline, while it was of no service to Her Britannic Majesty's cause in Canada, has had the effect of increasing excitement on the border," I assure your Excellency, that up to the moment of that act the utmost indifference and apathy were shown on the part of the government of the State of New York. I have already stated that the fact of 700 or 800 American citizens having invaded our Province, formed batteries on our island, and fired upon our people and houses from American cannon, was not worthy of being noticed in any communication to the legislature. It was this painful but necessary act of self-defence which first roused that government to a sense of what was due from them to the cause of peace and humanity. Until that time nothing effectual was done or attempted, and I am quite convinced that nothing has been so instrumental as that single act in deterring the rising inclination of the American people to insult and trample upon the inhabitants

inhabitants of this Province, and in awakening the American government to the inevitable consequences of suffering the wicked aggressions of their citizens to continue unchecked.

If it were indeed established, which I am certain it never can be (for the contrary is clearly the truth), that the Caroline was not in the employment of the marauding army, and that the commanding officer at Chippewa was unfortunately misled by appearances, how very excusable would have been that error, when the deputy-marshal of the United States sent expressly to repress these hostilities, came to precisely the same conclusion as Colonel MacNab did respecting the service for which the Caroline was destined; and on the very day before she was taken he wrote officially to his government at Washington, that letter, which, if there were no other evidence to appeal to, would be of itself an undeniable vindication of this Government from all censure on account of that transaction. I allude to Mr. Garrow's letter of the 28th December 1837, laid before Congress, I believe the very day before the intelligence arrived of the destruction of the Caroline. This proof of the sufficiency of the ground on which that step was taken is so remarkable, that I annex a copy of the letter for the purpose of convenient reference, although your Excellency has already seen it. In this letter the confession is distinctly made, that the hostile preparations against Canada were carried on openly at Buffalo to a most formidable extent, and that he, as the officer of the general government, had been successfully defeated in all his attempts to restrain them; and as a proof of the alarming state of things he adds, that while he was writing, one or more steam-boats were being cut out of the ice at Buffalo, to be employed in what he calls rather strangely the "Patriot Expedition." One of these boats, it will not be denied, was the Caroline; and this clear conclusion of the marshal as to her object, with every advantage of information which his presence upon the very spot afforded him, being confirmed next day by her being seen in the act of transporting guns and men from Schlosser to Navy Island, she was captured. When I see the spirit in which this evidently justifiable act has been treated, I cannot but consider it a singular piece of good fortune that this letter of the United States' officer should have happened to have been written and sent off on the 28th December, and that it was communicated to Congress, and thus given to the world before it was known how important the testimony was about to become in relation to the occurrence which took place on the 29th, and which was immediately after made the subject of so unreasonable a complaint.

In my letter to your Excellency of the 30th January last, I expressed regret that in the construction which the officers of the American Government seemed disposed to put on the relative rights of the two countries, under the circumstances in which they were placed, I could not discover satisfactory proof of a spirit calculated to contribute to the restoration of permanent tranquillity.

It is but just that I should state before retiring from this Government, to what circumstances I chiefly alluded when I made this remark. I will now therefore give the explanation.

It was, perhaps, not in the power of Governor Marcy to make a distinction between treason committed in the progress of a great political revolution, and such an outbreak as ended in the flight of Mr. Mackenzie, after committing, in the two or three days he was in arms, atrocious acts of murder, arson, and robbery. I am therefore bound to suppose that he adhered to what he considered to be his duty, in declining to surrender Mackenzie upon my demand; and that he properly referred the matter to the Government of the United States, as alone competent to deal with such a question. But on the other hand, it has not seemed to me to give a satisfactory proof of the earnest desire of the federal Government to preserve their friendly relations with Great Britain, that they appear to think a fugitive criminal from this Province intitled to their protection, though his residence in the United States has been marked by the most constant and shameful defiance and disobedience of their own Government and laws. It would have been extremely natural to have said to Mr. Mackenzie, "If you had sought refuge among us from a political charge, and had conducted yourself as a citizen of our country, submitting to our laws, and rendering a due obedience to our Government, we should probably not have surrendered you; but you have disclaimed all subjection to our authority, from the moment of your setting your foot upon our shore, and can therefore, with no reason or justice, claim our protection. You have collected bands of armed men, in defiance of the law, and have incited hundreds of our people to the most flagitious public robberies; it is necessary, therefore, for our own peace and safety, that this country should no longer afford you that shelter, which is due only to those who recognise and submit to the authority of its Government." I may be wrong, but I believe it is thus that a European Government would have acted; and I am convinced that such a course of conduct would have done infinitely more towards putting down the outrages which the American Government has lamented and condemned, than all that has been effected by their officers, civil and military.

Another point in which I cannot conscientiously admit myself to have been satisfied, relates to the line of conduct pursued by Major-general Scott, at a particular crisis, upon the Niagara frontier. I am very sensible of the difficult and delicate duties which he, in common with General Wool, Colonel Worth, and General Brady have had to perform, considering the disposition of the people, and the slender means at their command, for compelling obedience to their orders; and I would most unwillingly entertain a surmise to their prejudice, where it is evident, that in the discharge of their duty, they have generally evinced so much activity and zeal. But what I especially allude to, as affording, in my opinion, very reasonable ground of exception, is the letter of General Scott, of 15th January 1838, and his measures in relation to the subject of that letter.

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letter. He knew that the officer commanding on our side of the Niagara River, was very naturally under the impression that the steam-boat Barcelona, then at Schlosser, was brought down by the brigands who had long been engaged in open hostilities against this Province, for the purpose of removing themselves, their artillery and stores, from our Island (of which they were then in forcible possession) to some other part of Upper Canada; and while he confirmed the grounds of that suspicion by his letter, and avowed his doubt of the practicability of his arresting even the leaders of these brigands, he seemed to insist that our forces should make no attempt to prevent their passing up the Niagara river. For a purpose so essential to the peace and honour of both countries, one would have supposed that the invisible boundary line through the waters of the Niagara might well have been permitted to be passed over without adverting even to the question of absolute right to do so by the law of nations. But what I am most disposed to complain of is, that although General Scott knew that the Barcelona, when about to pass from the Island to Buffalo, was not in fact freighted as she was expected to be, he did not take the obvious step of communicating this amicably to the officer at Chippewa, and thus assuring him that an attack of the steam-boat would be unnecessary. He knew that, on our side at least, not an act was done otherwise than in strict obedience to authority (as I am proud to say has been the case throughout the whole of this aggravating contest), and that, in order to avoid the collision which he deprecated, he had only to put the officer commanding in possession of the truth. Still he left him in ignorance; and fully expecting that, under a false impression, an attack would be made upon the Barcelona while in the American waters, he hurried down to the shore with artillerymen and field-pieces "to return (as he declared he intended to do) shot for shot." It is true that, while he was on the point of setting out to Schlosser, or Black Rock, to act this part, he declared to one of our officers, who happened to be at Buffalo, that such was his intention, and accompanied the declaration with an assurance that he had ascertained that there were none of the brigands or their arms in the steam-boat; but he well knew that the intimation came then too late to be of the least possible service in preventing the expected collision, for which he seemed to have been deliberately preparing, for it could not be conveyed in time to the officers at Chippewa, or in command of our schooners. It did so happen, by the mere accident of the one of two letters which was last written by the officer commanding at Chippewa to the naval officer in command of the schooner, being the first that reached its destination, that the steam-boat Barcelona was allowed to pass up unmolested and General Scott had not therefore the expected opportunity of bringing the United States troops in collision with Her Majesty's forces; but the steps taken seemed much more likely to have terminated in such a result than to have avoided it, and they offered no very convincing proof of a desire to preserve friendly relations.

In justice however to an American officer, I have pleasure in recording a circumstance which has lately occurred, and in which the feeling that was shown by him may be advantageously contrasted with that which seems to have governed General Scott.

Not many days ago it was reported to the American officer, Colonel Worth, that many hundreds of armed men had left the vicinity of Buffalo, intending to invade Canada at or near Point Abino, above Fort Erie. Colonel Worth, taking a force with him, pursued them, and found that they had established themselves within our lines, having put up a temporary shelter on the ice. He advanced upon them, in order to compel them to disperse, when it is stated that he was accosted by the brigands, and asked how he dared to enter Her Majesty's dominions for the purpose of attacking them. Colonel Worth, as it is reported to me by an official document in my possession, was not deterred by this consideration, but demanded of them to lay down their arms; and on his showing a determination to advance against them, they dispersed themselves and fled. He rightly judged that the most liberal construction would be put upon his conduct while in the execution of a service in which (like our destruction of the piratical steam-boat the Caroline) both countries had a common interest; and he felt, I doubt not, that he could safely rely upon no captious exception being taken to his proceedings. If General Scott had shown a like desire to co-operate with this country in bringing to punishment the men who had so daringly insulted his own Government as well as ours, he might, it is true, have run some risk of disappointing the expectations of the population in and about Buffalo, but he would most effectually have secured the avowed object of the United States Government in maintaining their existing treaty with Great Britain.

It may serve as no unapt commentary upon the early declaration by the Government of the State of New York of the universal disposition of their people not to interfere in the concerns of Canada, as well as upon Mr. Forsyth's letter of 13th February last, if I bring under your Excellency's view a debate in the Legislature of New York upon the frontier disturbances which took place so lately as the beginning of this month. It is reported in the New York Spectator of the 5th instant, and I annex the extract which contains it. You will there see that a member of the Legislature, acting confessedly in concert with the Government, calls for the enactment of some extraordinary measures in consequence of another arsenal at Elizabeth Town "having just been robbed of large quantities of munitions, arms, and field-pieces; and such, he says, was the temper of the population in that quarter, in which the public officers, civil and military, participated to some extent, that it was found difficult to assert the authority of the law, or to recover the public property;" and it will be seen that he gives a most striking proof of the degree to which this feeling prevailed, by the nature of the measures which he proposed. This does not exactly accord with the conviction expressed by Mr. Forsyth, that every disposition to interfere in the concerns of Canada had been put down by the Government, nor does it seem that his impression in regard to the excitement being mainly to be ascribed to the destruction of the Caroline is strengthened by the opinions of public men who have a nearer opportunity of seeing what

what is going forward. You will observe, that in the same debate, Mr. P. King attributes this almost universal disposition to rise above the law, not to any sense of insults, or injuries received, but to "a warm and patriotic sympathy there and throughout the country for a people who are deemed to be oppressed," in other words, to a wish to make this British Colony an American State.

I need not report to your Excellency how little this sympathy is desired by the people towards whom it is so disinterestedly exercised. Of this, perhaps, a better proof could not be given, than that Mr. Sutherland, who was so conspicuous in his efforts and attempts to liberate the people of Upper Canada from their fancied oppression, has just been brought from Amherstburgh to Toronto, 250 miles through the interior of the Province, by a militia guard of 12 men, with as perfect security against any desire to repay his sympathy by an attempt to rescue him, as if he had been an ordinary criminal taken up for larceny; and it is a most striking proof, on the other side, of the spirit of justice, the humanity and obedience to the laws which prevails universally in this Province, that in travelling all this distance such a prisoner met with neither injury nor insult while, at this time, it is notoriously unsafe for any inhabitant of this province to be seen in any town along the American frontier, and even British officers sent on an official mission to an American general commanding, have met with the grossest insult and ill-usage.

I have, &c.
(signed) F. B. Head.

His Excellency H. S. Fox, Esq.

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Sir F. B. Head to
Lord Glenelg,
20 March 1838.

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Appendix (A.)

On the 26th of July 1836, Mr. Robert Baldwin addressed a letter to Lord Glenelg, of which the following is an extract: "I also beg to refer your Lordship to the reply of Sir F. B. Head, to the address presented to him on the subject of the foreign interference to which he had alluded in one of his preceding replies. I learn by my private letters, that in consequence of his Excellency refusing all satisfaction as to whence he had derived his information on the subject, a letter was addressed to the authorities of the neighbouring State of New York, and I subjoin an extract which had been sent me from the answer of the Secretary of State of that republic, which will show your Lordship the light in which strangers view the conduct of the Lieutenant-governor, in spreading an alarm on the subject of foreign intervention.

(Extract referred to.)

"The answer of your Lieutenant-governor, dated the 28th ultimo, to the address of the electors of the home district, was received here and in Albany with equal surprise and regret. The State of New York is not directly referred to; but our local position in relation of Upper Canada is such, that we are almost constrained to believe that our citizens are intended by the designation of "foreigners," whose interference is deprecated.

I gave a copy of the address to Governor Marcy, and he would not hesitate to notice it officially, if, under the circumstance, he could do so with propriety, but he does not perceive that he can; I am, however, authorized by him to say, that he does believe not a single citizen of this state entertains the design of interfering in any manner with the political affairs of Canada, nor has he ever heard such a design imputed to any individual. If your Lieutenant-governor had thought proper to communicate to the executive of this state the grounds on which the intimation referred to was thrown out, a course which certainly seems due to the friendly understanding subsisting between us, it is believed that all cause for suspicion would have been removed, so far as the citizens of this state are concerned. As it is, we cannot but think that great injustice has been done to us, by ascribing to any of our citizens criminal designs of which they are innocent, and to the people of Canada, by exciting distrust and alarm for which there is no shadow of foundation. You may rest assured that the universal desire of the people of this state and our sister states, is to maintain unimpaired relations of friendship which happily exist between the United States and Great Britain; and that the authority of the State and of the Union, would be promptly interposed to put down any attempts on the part of those subject to their respective jurisdictions, to interfere with the political concerns of Canada, or any of the British dominions. It is no more than just to the citizens of the United States, to add, that a recent instance of magnanimity on the part of Great Britain, has strengthened the desire to which I have referred, and I am sure that the moral sense of a whole community would revolt at the idea of repaying that act of friendship with bad faith, which your Lieutenant-governor, as we suppose, intended to attribute to some of us."

Appendix (B.)

From the United States Marshal to the President.

To his Excellency M. Van Buren:

Sir,

Buffalo, 28 December 1837.

This frontier is in a state of commotion. I came to this city on the 22d instant, by direction of the United States' attorney for the northern district of this state for the purpose of
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serving process upon individuals suspected of violating the laws of the United States, enacted with a view to maintain our neutrality. I learned, on my arrival, that some 200 or 300 men, mostly from the district of country adjoining this frontier, and from this side of the Niagara, had congregated upon Navy Island, Upper Canada, and were then in arms, with Rensselaer Van Rensselaer, of Albany, as their commander-in-chief. From that time to the present, they have received constant accessions of men, munitions of war, provisions, &c. from persons residing within the States.

Their whole force is now about 1,000 strong, and, as is said, are well supplied with arms, &c.

Warrants have been issued in some cases, but no arrests have as yet been effected. This expedition was got up in this city soon after M'Kenzie's arrival upon this side of the river, and the first company that landed upon the island were organized, partially at least, before they crossed from this side to the island.

From all that I can see and learn, I am satisfied that, if the Government deems it their duty to prevent supplies being furnished from this side to the army on the island, and also the augmentation of their forces from among the citizens of the States, an armed force stationed along upon the line of the Niagara will be absolutely necessary to its accomplishment.

I have just received a communication from Colonel MacNab, commanding Her Majesty's forces now at Chippewa, in which he strongly urges the public authorities here to prevent supplies being furnished to the army on the island; at the same time stating that, if this can be effected, the whole affair could be closed without any effusion of blood.

MacNab is about 2,500 strong, and constantly increasing. I replied to him that I should communicate with you immediately, as also with the Governor of this State, and that everything which could, would be done to maintain a strict neutrality.

I learn that persons here are engaged in dislodging one or more steam-boats from the ice, and, as is supposed, with a view to aid in the patriot expedition.

I am, &c.,

N. Garrow,

U. S. Marshal Northern District New York.

Appendix (C).

To the Commanding Officer of the Armed British Vessels in the Niagara.

Sir,

Head Quarters, United States Army, Eastern Division,
Two Miles below Black Rock, 15 Jan. 1838.

WITH his Excellency the Governor of New York, who has troops at hand, we are here to enforce the neutrality of the United States, and to protect our own soil and waters from violation.

The proper civil officers are also present, to arrest, if practicable, the leaders of the expedition on foot against Upper Canada.

Under these circumstances, it gives me pain to see the armed vessels mentioned anchored in our waters, with the probable intention to fire upon that expedition moving within the same waters. Unless that expedition shall first attack, in which case we shall interfere, we shall be obliged to consider a discharge of shot or shells from or into our waters, from the armed schooners of Her Majesty, as an act seriously compromising the neutrality of the two nations. I hope, therefore, that no such unpleasant incident may occur.

I remain, &c.

(signed) Winfield Scott.

Appendix (D).

The Frontier Disturbances.

Mr. J. A. King, from the select committee on the Governor's special message, touching the Schlosser affair, asked leave to submit a verbal report on matter which called for prompt action on the part of the Legislature.

Leave having been granted, Mr. J. A. King stated that the committee had been called together by the Governor, in consequence of his having received information that the arsenal in Elizabethtown, in Essex county, was broken into on the night of Sunday last, and large quantities

quantities of munitions, arms, field-pieces, &c. taken away; that such was the temper of the population in that quarter, in which the public officers, civil and military, participated to some extent, that it was found difficult to assert the authority of the laws or to recover the public property; that under these circumstances, it was deemed necessary, to protect and recover the public property, as well as to aid in preserving the neutrality of the country, that special attorneys should be appointed (as in the case of the Morgan affair); and that they should be taken from the sections of the State removed from the scene of these outrages.

The bill which he held in his hand authorized the governor to appoint three special attorneys, if in his judgment the exigency should require it. It was a measure which, in the judgment of the committee and of the executive, the case might require.

The bill was ordered to a third reading, 70 to 10; but this vote was immediately reconsidered, on motion of Mr. Silliman, Mr. Sibley intimating a wish to amend.

On motion of Mr. P. King, the House went into committee of the whole upon the bill, Mr. Halsey in the chair, and Mr. Mann sustained the measure, not so much because he anticipated these outrages would result in war (for governments did not go to war lightly now-a-days), but as a measure called for by circumstances of peculiar excitement, and necessary to preserve the public property from lawless depredation.

Mr. G. W. Patterson preferred to clothe with additional powers the local attorneys where the public arsenals are.

Mr. J. A. King replied, that the object was to select persons as special attorneys, who should be uninfluenced by the local excitement, which it was notorious prevailed on the frontier.

Mr. G. W. Patterson thought it would be presuming too much to suppose that the public officers would be deterred from doing their duty by any such influences.

Mr. P. King repelled the insinuation that either the people or the public officers on the frontier were indisposed to sustain the supremacy of the law. Still there was a warm and patriotic sympathy there and throughout the country, for a people who were deemed to be oppressed; and it had, it seemed, been found impossible to prevent or punish infractions of the law, under the restricted jurisdiction of the local officers. In this point of view, the bill appeared to him necessary.

The committee rose, without taking the question.

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No. 31.

Sir F. B. Head to
Lord Glenelg,
20 March 1838.

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NOVA SCOTIA.

NOVA SCOTIA.

No. 32.

— No. 32. —

Sir C. Campbell
to Lord Glenelg,
5 February 1838.

COPY of a DESPATCH from Major-General Sir *Colin Campbell*, K. C. B., to
Lord *Glenelg*.

My Lord,

Halifax, 5 February 1838.

I HAVE the honour to transmit your Lordship copies of the speech with which I opened the Legislature of this Province on the 25th ultimo, and the reply of the Legislative Council and House of Assembly thereto.

I have, &c.

(signed) *Colin Campbell*.

Enclosure in No. 32.

Halifax, Nova Scotia, Legislative Council Chamber,
Thursday, 25 January 1838.

Encl. in No. 32.

At two o'clock this day, His Excellency the Lieutenant-Governor proceeded in State to the Council Chamber, and being seated, the Gentleman Usher of the Black Rod was directed to command the attendance of the House of Assembly; the House attended accordingly, when His Excellency was pleased to deliver the following Speech:—

Honourable Gentlemen of the Legislative Council,

Mr. Speaker and Gentlemen of the House of Assembly,

My first duty, and a painful one I find it, is to condole with you on the loss which, since our last meeting, we have sustained, by the demise of his late most gracious Majesty William the Fourth, of blessed memory, whose paternal attachment to this Province, which he visited at an early period of his life, will be remembered by you with gratitude and respect.

The Throne of the British empire is now filled by his august niece Queen Victoria, the daughter of his late Royal Highness the Duke of Kent, who for many years resided amongst you, when Commander-in-Chief in British America. Her Majesty's accession has been hailed, in every part of her extensive dominions, with the most enthusiastic loyalty: her youth and sex claim from her subjects their dutiful affection and support.

It is with deep regret I have to notice the late unfortunate events in the Canadas; but I have the satisfaction of informing you that the insurrection has been put down in Lower Canada, and that the traitorous attempt made to separate the Upper Province from British rule, has been signally defeated by the gallant conduct of its militia alone. It is true that a small and desperate band still retain possession of Navy Island; but there is every reason to believe, as measures have been adopted at the recommendation of the President of the United States for the enforcement of neutrality on the frontier, that these deluded men, deprived of all foreign assistance, will speedily be dispersed.

These rebellious proceedings have called forth in this Province expressions of indignation and abhorrence, and the addresses from various quarters which have been presented to me declare the unshaken attachment of the inhabitants of Nova Scotia to Her Majesty's person and Government.

I have great pleasure in congratulating you upon the abundant harvest with which it has pleased Divine Providence to reward the labours of the husbandman, and which has diffused the blessing of plenty throughout the country.

Mr. Speaker and Gentlemen of the House of Assembly,

The provisional establishment of two distinct Councils, which has recently taken place, and the despatches which I am instructed to lay before you, afford ample evidence of the gracious attention that has been paid to the representations which you addressed to the Throne in the last session.

I earnestly hope that this important alteration of the ancient constitution of the Province will be attended with all the advantages by which, when you advised the measure, you expected it would be accompanied.

I have directed the public accounts to be laid before you, and I trust you will find that the supplies granted to Her Majesty in the last session have been faithfully expended. The usual estimates of the civil establishment for the present year will be submitted to you, and I have no doubt of your providing for the support of Her Majesty's Government, and for all other necessary services, with your usual liberality.

Honourable Gentlemen of the Legislative Council,

Mr. Speaker and Gentlemen of the House of Assembly,

I have great satisfaction in acquainting you, that the revenue last year has increased considerably; the receipts have been more than sufficient to meet all the demands on the treasury. I feel it my duty to recommend an economical application of our means, by keeping our expenditure within our income.

I most earnestly desire to draw your particular attention to the inefficient state of the militia; it is not at present what I wish to see it; there is all the good feeling and loyalty I could

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I could desire. As it is the constitutional defence and security of the Province, I am persuaded you will see the necessity of amending the law now in existence; and the zeal and discipline of 25,000 young and willing sons of your own families ought not to be neglected by Government and the Legislature.

It is the earnest desire and recommendation of Her Majesty's Government that you will enter upon the discharge of your public duties with that spirit of harmony in your proceedings for which the Legislature of this Province has so long been conspicuous, and which has proved so conducive to the best interests of the country.

My anxious wish is to see peace, content and prosperity, prevail throughout the Province; and you may rely upon my cordial co-operation in any measure which can tend to secure and increase these blessings.

To his Excellency Major-General Sir *Colin Campbell*, Knight Commander of the Most Honourable Military Order of the Bath, Lieutenant-Governor and Commander in Chief in and over Her Majesty's Province of Nova Scotia, and its Dependencies, &c. &c. &c.

The Address of the Legislative Council.

May it please your Excellency,

WE, Her Majesty's dutiful and loyal subjects, the Legislative Council of Nova Scotia, humbly beg leave to thank your Excellency for the Speech with which you have been pleased to open the present Session of the Provincial Parliament.

We participate with your Excellency in the painful feelings which the demise of his late most gracious Majesty King William the Fourth excited throughout his widely-extended dominions. The condescending regard which his Majesty often expressed towards this Province, as the scene where a portion of his early life had been spent, has rendered his memory dear to its inhabitants; while the important events of universal interest which have characterized his reign, will ever give to that portion of our history a conspicuous place in the annals of the Empire.

We respond with the deepest emotion to the sentiments of devoted attachment and fealty to our august Sovereign Queen Victoria, which her accession to the Throne has called forth. It gives us pleasure to remember the warm interest which her late Father ever evinced in the welfare of this Province, where he long resided, associates Her Majesty more readily with its inhabitants; and we feel with your Excellency that her age and sex draw around her the affections of her subjects with deeper interest.

The unhappy events in the Canadas have excited our deep regret; but we find great satisfaction in the assurance that the traitorous attempts of designing men have been suppressed. We rejoice that the gallant militia of Upper Canada met in so distinguished a manner the emergency which called their loyalty and courage into exercise; and indulge with pleasure the hope your Excellency affords us that the desperate band of wicked and misguided men on Navy Island, still found in opposition to the just authority of Her Majesty and the laws, being deprived through the intervention of the Government of the United States of foreign aid, may speedily be dispersed, and the miseries of violence and disorder be altogether stayed in our sister colonies.

We feel happy that the addresses from numerous parts of the Province have conveyed to your Excellency declarations of unshaken loyalty to Her Majesty's person and Government. Uniting in our body members from various parts of the Province, we are enabled to assure your Excellency, that such is the universal feeling of Nova Scotia; nor can we fail to use the present as a fit occasion to tender to Her Majesty, in unison with our fellow-subjects, our own expressions of similar sentiments.

In the congratulations expressed by your Excellency on the late bountiful harvest which has diffused prosperity through the land, and is the just cause of the liveliest gratitude and devotion to the Almighty Giver of all our blessings, we most cordially unite with your Excellency.

The increase of the revenue, and the faithful discharge of all demands upon the Treasury, are very gratifying. In the application of our augmented resources we shall not fail to be guided by your Excellency's recommendation for their economical expenditure.

Agreeing as we entirely do in the sentiments expressed by your Excellency regarding the state of our militia, we shall readily adopt any measures that may be devised for the improvement of its discipline and the increase of its efficiency.

No effort on our part shall be wanting to ensure harmony in the performance of our legislative labours, deeply convinced that, conducted in such a spirit alone, they will be beneficial to the Province; and your Excellency's administration of the government enables us to rely with perfect confidence upon your co-operation in every measure which may advance the interests, and promote the peace, happiness, and prosperity, of the people of Nova Scotia.

To his Excellency Major-General Sir *Colin Campbell*, Knight Commander of the Most Honourable Military Order of the Bath, Lieutenant-Governor and Commander-in-Chief in and over Her Majesty's Province of Nova Scotia, and its Dependencies, &c. &c. &c.

The humble Address of the House of Representatives in General Assembly.

May it please your Excellency,

WE, Her Majesty's dutiful and loyal subjects, the Representatives of Her Majesty's loyal people of Nova Scotia, thank your Excellency for the speech with which you have been pleased

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Sir C. Campbell
to Lord Glenelg,
5 February 1838.

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pleased to open the present session, and condole with your Excellency on the demise of our late gracious sovereign William the Fourth, whose blessed memory is endeared to the people of Nova Scotia by the paternal attachment he extended towards its inhabitants, among whom he spent part of his early life. The accession to the Throne of the British empire of his august niece, Queen Victoria, daughter of his Royal Highness the late Duke of Kent, has been hailed throughout her extensive dominions with rapturous and enthusiastic loyalty; and her youth and sex have no where a stronger claim to attachment than in this Province, where the memory of her illustrious father is gratefully cherished.

The regret we feel for the recent insurrection in the Canadas is mitigated by a knowledge that it has been suppressed in the Lower Province; and we feel proud that the constitutional force of the Upper Province has defeated the traitorous attempt to cast off British allegiance; and are gratified to learn that the Government of the United States is determined to adhere to the pacific treaties subsisting between the two nations, and to preserve that neutrality which may leave the desperate band of conspirators encamped at Navy Island no alternative but submission to a just and indignant Government.

The attachment of Nova Scotians to Her Majesty's person and Government has ever been unshaken, and recent events have only caused it to be more openly and frequently expressed.

We are pleased to hear from your Excellency that the blessings of Divine Providence have produced an abundant harvest, and that the labours of the husbandman throughout the country have been rewarded with plenty.

We are disposed to view the provisional establishment of two distinct Councils as evidence of the gracious attention which has been paid to the representations addressed by this Assembly to the Throne during the last session; and it shall not be our fault if this important alteration is not attended with all the advantages by which, when we advised the measure, we expected it would be accompanied.

We thank your Excellency for directing the public accounts to be submitted to us; and you may rely on our disposition to provide for the necessary support of Her Majesty's Government.

We are happy to learn that the revenue has considerably increased during the past year, and that the receipts have been more than sufficient to meet all the demands on the Treasury. The recommendation of an economical application of our means we feel is founded on an enlightened view of the wants and resources of this young country, and your Excellency may be assured that it shall be our constant endeavour to keep the expenditure of the Province within its income.

The Militia Law, to a revision of which your Excellency has called our attention, was framed upon the conviction that the old system, while it was burthensome to the country, was productive of no corresponding advantage, the time which was devoted to trainings being insufficient to communicate discipline or military skill. Should we find, however, anything in the present aspect of the times, or in the events which have occurred during the recess, to require, or the adoption of more efficient enactments, your Excellency may rely that, while we endeavour to husband our resources, we shall sufficiently evince our anxiety to secure the peace and strengthen the constitutional defences of the Province.

At a time when neighbouring colonies are only recovering from the effects of civil strife, it shall be our pride to respond to the earnest desire and recommendation of Her Majesty's Government by entering upon the discharge of our public duties with that spirit of harmony for which the Legislature of this Province has long been conspicuous, and which has proved so conducive to the best interests of the country.

We feel assured that it is your Excellency's anxious wish to see peace, content and prosperity prevail throughout the Province, and will labour to co-operate with your Excellency in every measure which can tend to secure and increase those blessings.

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(No. 10.)

No. 33.

Sir C. Campbell
to Lord Glenelg,
21 March 1838.

COPY of a DESPATCH from Major-General Sir Colin Campbell, K. C. B., to
Lord Glenelg.

My Lord,

Government House, Halifax, 21 March 1838.

I HAVE the honour to transmit to your Lordship the joint Address of the Legislative Council and House of Assembly of this Province to The Queen, condoling with Her Majesty on the demise of our late most gracious Majesty King William the Fourth, and congratulating Her Majesty on her accession to the Throne; and I have to request that your Lordship will be pleased to present Her Majesty this dutiful and loyal Address.

I have, &c.

(signed) C. Campbell.

Enclosure in No. 33.

To the QUEEN'S Most Excellent Majesty.

May it please your Majesty,

WE, your Majesty's dutiful and loyal subjects, the Legislative Council and House of Assembly of Nova Scotia, in provincial Parliament assembled, hasten to avail ourselves of the first opportunity afforded us of presenting to your Majesty this our humble address.

We condole with your Majesty on the severe and painful loss your Majesty and the empire have sustained since our last session, in the demise of our late most gracious King William the Fourth, remembering with pleasure the kind feelings which our late lamented Sovereign, from his residence amongst us, ever entertained for this portion of his dominions.

We have great satisfaction in offering to your Majesty our united congratulations on your happy accession to the Throne of the British empire, and we recall to your recollection, with equal pleasure, that your Majesty's late father, his Royal Highness the Duke of Kent, also spent some portion of his life in Nova Scotia, of which he was ever the patron and friend.

Regarding with abhorrence the unnatural rebellion of our misguided fellow-subjects in the Canadas against a mild and protecting Government, we can assure your Majesty that in no part of your extensive dominions have you a more devoted or loyal population than in your province of Nova Scotia; and that a benign Providence may ever guard and protect your Majesty, shall be the earnest prayer of your Majesty's dutiful and loyal subjects, the Council and Assembly of Nova Scotia.

(signed) *Sim. B. Robie*, President of Legislative Council.

Council Chamber, 3 February 1838.

(signed) *S. G. W. Archibald*, Speaker of the Assembly.

House of Assembly, 3 February 1838.

NOVA SCOTIA.

No. 33.

Sir C. Campbell
to Lord Glenelg,
21 March 1831.

Encl. in No. 33.

— No. 34. —

(No. 14.)

COPY of a DESPATCH from Major-General Sir *Colin Campbell*, K. C. B., to
Lord *Glenelg*.

My Lord,

Government House, Halifax, 26 March 1838.

I HAVE the honour to transmit to your Lordship a resolution which has just been presented to me by the House of Assembly, authorizing me, in the event of hostilities, to advance from the provincial chest 10,000*l.* for the purchase of arms and ammunition, and for organizing and disciplining the militia.

I have, &c.

(signed) *C. Campbell*.

No. 34.

Sir C. Campbell
to Lord Glenelg,
26 March 1838.

Enclosure in No. 34.

In the House of Assembly, 24 March 1838.

Resolved unanimously, as the opinion of this House, That his Excellency the Lieutenant-Governor be authorized by and with the advice of the Executive Council, on any declaration of war by the Government of the mother country against the United States, or any other foreign power, or by any such powers against her, or upon any hostile invasion of the Province, to advance from the provincial chest during the recess of the General Assembly, a sum not exceeding 10,000 *l.*, to be expended in the purchase of arms, ammunition, and accoutrements, and organizing and disciplining the militia.

Resolved, That a committee be appointed to wait upon his Excellency, and communicate to him the foregoing resolutions.

Ordered, That Mr. Howe, Mr. Fairbank, Mr. Morton, Mr. Chipman, and Mr. Goudge, be a committee for the above purpose.

(signed) *J. W. Nidden*, Clerk.

Encl. in No. 34.

NEW BRUNSWICK.

NEW
BRUNSWICK.

No. 35.

Sir J. Harvey
to Lord Glenelg,
17 December 1837.

— No. 35. —

EXTRACT of a DESPATCH from Major-General Sir *John Harvey*, K.C.H., to
Lord *Glenelg*, dated Government House, Fredericton, 17 December 1837.

I do not know that I can more briefly or more fully possess your Lordship of the actual state of affairs and of public feeling in this Province than by the transmission of the copy of a letter which I yesterday addressed to Lieutenant-general Sir John Colborne.

The universal feeling of loyal enthusiasm which pervades the people of this Province is scarcely to be described. I have accordingly been encouraged by it confidently to offer to his Excellency the Governor-in-chief whatever amount of militia aid may be required by Lower Canada; my hope and impression, however, are, that the check given to the rebel cause by Lieutenant-colonel Wetherall's success at St. Charles, and the corresponding encouragement thereby given to the well-affected in that Province, will induce them to come forward in number sufficient to render unnecessary any militia assistance from the surrounding provinces; from this I can only assure Her Majesty's Government that it would be afforded with enthusiasm.

P. S.—This paper will convey to your Lordship an idea of the tone and spirit of some of the addresses, and of the manner in which they have been received and answered by me.

(signed) *J. H.*

Fredericton, 18 December 1837.

Enclosure 1, in No. 35.

Government House, Fredericton,
16 December 1837.

Sir,

Encl. 1, in No. 35.

I HAVE the satisfaction of acquainting your Excellency, that the last division of the 43d light infantry left Fredericton this morning, the leading company (under Lieut.-colonel Booth) being this day at the entrance of the Timasquata Lake; the 85th follows by grand divisions, and will have passed Fredericton on Wednesday next, the 20th. These two regiments, accompanied by three pieces of light ordnance, viz. two 12-pound carronades and a cohorn, which I have caused to be mounted on sleighs, for the object of overcoming any obstacle which may be opposed to the advance of the troops at any of the villages on the right bank of the St. Lawrence, without incurring the loss which might attend the forcing of such positions by infantry alone, may be expected to reach Quebec about the 1st January.

I am instructed by Sir Colin Campbell to hold the 34th in readiness to follow the 43d and 85th, upon your Excellency's requisition; and as I have summoned the Legislature to meet on the 28th instant for the purpose of offering to their loyal fellow-subjects in Canada, and to the Royal authority, something beyond the mere expression of their sympathies with the one and their attachment to the other, I do not entertain a doubt of being empowered by the representatives of this truly loyal people, to embody and lead to the neighbouring province, such numbers of the militia of New Brunswick as your Excellency and the civil authorities of Lower Canada may require, whether for the purpose of assisting in forming the garrison of Quebec, and thereby rendering the whole of the Queen's troops disposable, or of being elsewhere employed in maintaining Her Majesty's authority, by checking and controlling any seditious or rebellious movements in the parts of Lower Canada adjoining to this Province; in a word, in any manner in which their services and my own can be rendered useful to the Royal cause, I can depend upon the loyalty of the people of this Province to a man.

His Excellency
Lieut.-general Sir John Colborne, K.C.B.I have, &c.
(signed) *J. Harvey*, Major-general,
Lieut.-governor.

AFFAIRS OF LOWER CANADA, &c.

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NEW
BRUNSWICK.

Enclosure 2, in No. 35.

THE following ADDRESS, signed by the Chief Justice and a large number of the principal Inhabitants of St. John, was presented to the Lieutenant-governor on Tuesday last :

No. 35.
Sir J. Harvey
to Lord Glenelg,
17 December 1837.

Encl. 2, in No. 35.

To His Excellency Major-general Sir *John Harvey*, Knight Commander of the Royal Hanoverian Guelphic Order, and Companion of the Most Honourable Military Order of the Bath, Lieutenant-governor and Commander-in-Chief in and over the Province of New Brunswick, &c. &c. &c.

May it please Your Excellency,

WE, the magistrates and the principal inhabitants of the city and county of St. John, in the province of New Brunswick, deem it our indispensable duty, at a time like the present, when the standard of sedition and rebellion is openly raised in Lower Canada, and when the valuable lives of Her Majesty's loyal subjects have been wantonly destroyed while endeavouring to arrest some of the treasonable authors, to express to your Excellency the high value we place on the inestimable privilege we enjoy as British subjects, and which we are satisfied pervades all classes of Her Majesty's subjects in this colony.

Convinced that the great body of insurgents in Lower Canada are deluded by a few factious and designing men, who aim at nothing less than the dismemberment of that fair portion of Her Majesty's dominions from the British empire, and who have contrived to maintain an uncontrolled sway over a part of the ignorant peasantry, we know not how to communicate the great indignation we feel at the instigators and abettors of these treasonable proceedings, and earnestly hope that the constituted authorities of the country will be enabled to bring immediately into active service such a force as will put down the rebellion, and by a prompt, firm, and energetic punishment of the ringleaders, restore public tranquillity.

We offer to your Excellency our services in any way that they may be required in this trying emergency. Composed, as we are, of the descendants of men who settled this colony in 1783, under circumstances which can never be forgotten, and of loyal and constitutional subjects who have adopted it since that period, we need not assure your Excellency that New Brunswick glories in her loyalty to her Queen, and devotion to the British constitution, and that we are heartily ready and willing at all times to have these sacred feelings and principles put to the test, whenever the public good requires it.

To which his Excellency was pleased to make the following reply :

Gentlemen,

I acknowledge with feelings of pride and pleasure, your truly loyal and patriotic address. Proceeding from such a community, and bearing the signatures of all that is most respectable in that loyal city, I feel that I may justly consider this address as an index, nothing equivocal, of the general feeling of the population of the Province. Taking it in connection with many others which have lately reached me, I deem myself warranted, not only unhesitatingly to commit the protection of the Province, and of the lives and property of Her Majesty's subjects within it, to its loyal militia ; but also (in the confident anticipation of the legislative sanction) to tender, through his Excellency the Governor-in-Chief, to Her Majesty's loyal subjects in Lower Canada, not the sympathies only, but the actual co-operation of a large body of the militia of New Brunswick, in the suppression of the insurrection in that Province ; and should their services be required or accepted, I trust that it is unnecessary for me to say, that I should glory in placing myself at the head of a volunteer force, acting under feelings and upon principles of so high and noble a character.

Government House,
12 Dec. 1837.

(signed) *J. Harvey*, Lieutenant-governor.

— No. 36. —

COPY of a DESPATCH from Major-General Sir *John Harvey*, K. C. H., to Lord *Glenelg*.

No. 36.
Sir J. Harvey
to Lord Glenelg,
10 January 1838.

Government House, Fredericton,
10 January 1838.

My Lord,

HEREWITH I have the honour to transmit a copy of the Speech with which I opened the session of the Legislature of this Province on the 29th ultimo, together with the Addresses of the Legislative Council and House of Assembly in answer, with my replies. To these documents I have the satisfaction of adding copies of resolutions, unanimously concurred in by both Houses, thanking Sir Francis Head, and the gallant militia of Upper Canada, for their conduct in the suppression by them, unaided by any portion of Her Majesty's troops, of the late insurrection in the neighbourhood of Toronto ; to these I annex a copy of my letter to Sir F. B. Head, transmitting the resolutions.

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BRUNSWICK.

No. 36.

Sir J. Harvey
to Lord Glenelg,
10 January 1838.

The Legislature of this Province has introduced a Bill, which is now passing through its stages, for placing at my disposal an adequate force of militia volunteers, for the object of giving assistance, if required, to the support of the Royal authority in Lower Canada, where, however, Sir John Colborne informs me there is an appearance of entire tranquillity. He seems perfectly aware, however, how much the continuance of that state of things is contingent upon the issue of events now passing on the frontiers of Upper Canada.

Sir John having made a further requisition for troops, I have lost no time in pushing forward all the Queen's troops in this Province, consisting of a company of Royal artillery (Major Pringle's), and the two flank companies (completed to 150 men) of the 34th regiment. The remainder of that regiment will follow as soon as it arrives from Halifax, at which place, I am informed by Sir Colin Campbell, it was to embark, together with a wing of the 65th regiment, on Monday last, on board H. M. ship Cornwallis, for St. John's, and as the wind has been favourable, I think it probable that they are by this time arrived.

I feel all the importance of the Lieutenant-general commanding in Canada being enabled to throw at least two regiments, with a strong force of artillery, into the Upper Province, as I understand to be his Excellency's intention. I shall therefore forward the 34th by forced marches.

I am happy to be enabled to report the arrival at Quebec of the 43d and 85th regiments, with their two 12-pounder carronades, not only without any untoward circumstance, but without any interruption or derangement of the arrangements made for their movement.

I have, &c.

(signed) *John Harvey*, Lieut.-governor.

Enclosure 1, in No. 36.

Encl. 1, in No. 36.

Fredericton, New Brunswick, Legislative Council Chamber,
Friday, 29 December 1837.

THIS day, at twelve o'clock precisely, his Excellency the Lieutenant-governor proceeded in state to the Council Chamber, and being seated on the throne, the Gentleman Usher of the Black Rod was directed to command the attendance of the House of Assembly; the House attended accordingly, and presented the Honourable Charles Simonds, their Speaker elect, who having been approved, his Excellency was pleased to deliver the following speech:—

Mr. President and Honourable Gentlemen of the Legislative Council,
Mr. Speaker and Gentlemen of the House of Assembly,

The loss which the nation has sustained in the death of his late Majesty William the Fourth, of revered memory, has been followed by an exhibition of national feeling from which every loyal subject in our widely-extended colonial empire will not fail to derive both consolation and satisfaction. I refer to that unequivocal manifestation of deep-rooted veneration for its ancient monarchical institutions which simultaneously burst forth in expressions of the most ardent loyalty from every part of the mother country upon the occasion of the accession of Her Majesty Queen Victoria to the Throne of these realms. That this enthusiastic loyalty found an echo in the breasts of the inhabitants of this Province is my most cheering persuasion; the more especially, as the particular object for which I have deemed it my duty to call you together, at this early period, is to invite your attention to the lamentable state to which the treasonable and rebellious proceedings of a certain portion of its deluded inhabitants have reduced the neighbouring Province of Lower Canada. The disaffected having availed themselves of a season of the year when succours from the mother country are believed to be excluded by the rigour of the climate, it appears to be in a more especial manner incumbent upon Her Majesty's loyal subjects in the surrounding colonies to stand forward, not with the mere expression of their sympathies, but, if required, in active support of the Royal authority, and in aid of their loyal fellow-subjects in Lower Canada, now contending against the desperate efforts of a revolutionary faction, for the preservation, to themselves and their descendants, of the inestimable blessings of British connexion. The mode and extent of this aid your own loyalty and wisdom will best devise; for myself I will only add, that my individual services, in the furtherance of such an object, shall be afforded with all the energy of which I am capable, and in any manner in which it may be considered that they can best promote it. I cannot, upon this occasion, refrain from expressing my high admiration of the unchanged loyalty and gallantry of the militia of our sister colony of Upper Canada, evinced in the prompt suppression by them, unaided by any portion of Her Majesty's troops, of the revolutionary outbreak which was attempted by some misguided persons in that Province.

Mr.

AFFAIRS OF LOWER CANADA, &c.

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No. 36.

Sir J. Harvey
to Lord Glenelg,
10 January 1838.

Encl. 1, in No. 36.

Mr. Speaker and Gentlemen of the House of Assembly,

The treasurer's accounts, and all other documents which may be necessary for your information in regard to the finance of the Province, shall be laid before you with all practicable expedition, and I rely with entire confidence upon your accustomed zeal and liberality to provide for the ordinary services, and for all the other objects of public utility which may be deemed to require the bounty of the Legislature.

Mr. President and Honourable Gentlemen of the Legislative Council,
Mr. Speaker and Gentlemen of the House of Assembly,

Several important despatches connected with the recent arrangements of the provincial revenues will be made the subject of separate messages; in the meantime it is my pleasing duty to declare to you, that the same sentiments of lively solicitude to promote the interests and happiness of the people of this Province which pervaded every act by which his late Majesty was known and endeared to them, will be found to influence our present most gracious Sovereign.

Enclosure 2, in No. 36.

To his Excellency Major-general Sir *John Harvey*, Knight Commander of the Royal Hanoverian Guelphic Order, and Companion of the Most Honourable Military Order of the Bath, Lieutenant-governor and Commander-in-chief of the Province of New Brunswick, &c. &c. &c.

The humble Address of Her Majesty's Legislative Council in General Assembly.

May it please your Excellency,

WE, Her Majesty's dutiful and loyal subjects, the Legislative Council in General Assembly, return our thanks for your Excellency's speech at the opening of the present session. Encl. 2, in No. 36.

Deeply impressed with those feelings which pervade the breast of every loyal subject of the British Empire, while we deplore the loss which the nation has sustained by the death of his late Majesty King William the Fourth, of revered memory, we at the same time derive consolation and satisfaction from observing those unequivocal manifestations of deep-rooted veneration for its ancient monarchical institutions which simultaneously burst forth in expressions of devoted loyalty in every part of the mother country upon the accession of Her Majesty Queen Victoria to the Throne of her ancestors.

We sincerely regret the lamentable state to which the neighbouring Province of Lower Canada has been reduced by the treasonable and rebellious proceedings of a portion of its deluded inhabitants; and we feel assured that Her Majesty's loyal subjects in the surrounding colonies, who have already so generally and spontaneously expressed their sympathies, will cheerfully stand forward in aid of the Royal authority, and also, if circumstances require, in active support of their loyal fellow-subjects now contending against the desperate efforts of a revolutionary faction, for the preservation, to themselves and their descendants, of the inestimable blessings of British connexion. For ourselves, we assure your Excellency that we shall most readily and heartily concur in any measures which may be deemed most expedient for the accomplishment of these objects.

We highly appreciate the importance of your Excellency's personal services so zealously offered in furtherance of those purposes, more especially as your Excellency has already been distinguished on a former memorable occasion in the history of the Canadas.

We cordially participate in the admiration expressed by your Excellency of the loyalty and gallantry of the militia of Upper Canada; and we view the prompt suppression, by their unaided efforts, of the late disturbances in that colony, as an unequivocal proof of the unchanged determination of its inhabitants to maintain and perpetuate their connexion with the mother country.

We thank your Excellency for the assurance that several important despatches, connected with the recent arrangements of the provincial revenues, shall be laid before us by message.

We receive with emotions of profound gratitude your Excellency's declaration, that the same lively solicitude to promote the interest and happiness of the people of this Province, which pervaded every act by which King William the Fourth was known and endeared to them, will be found to influence our present most gracious Sovereign.

To which his Excellency was pleased to make the following reply:—

Mr. President and Honourable Gentlemen,

The sentiments so forcibly expressed in this Address, in full accordance, as I firmly believe them to be, not only with those of the other branch of the Legislature, but of the whole population of this Province, cannot fail to convey to our Gracious Queen the gratifying conviction, that in no other portion of Her Majesty's widely-extended dominions are feelings of loyalty to the Throne, and firm attachment to the parent State, more ardently cherished than in New Brunswick.

As Her Majesty's representative in this Province, I thank you, Mr. President and Honourable Gentlemen, for this loyal and dutiful address.

Government House, 2 January 1838.

(signed) *J. Harvey*, Lieut.-governor.

NEW
BRUNSWICK.

No. 36.

Sir J. Harvey
to Lord Glenelg,
10 January 1838.

Encl. 3, in No 36.

Enclosure 3, in No. 36.

The humble Address of the House of Assembly.

May it please your Excellency,

WE, the Representatives of Her Majesty's loyal subjects, the people of New Brunswick, beg leave to express our thanks for your Excellency's speech at the opening of the present session.

We can assure your Excellency that the people of this Province have not failed to derive both consolation and satisfaction from that unequivocal manifestation of deep-rooted attachment to its ancient monarchical institutions which simultaneously burst forth in expressions of the most ardent loyalty from every part of the mother country after the lamented death of our late beloved Sovereign William the Fourth, of revered and glorious memory, and upon the occasion of the accession of Her Majesty Queen Victoria to the Throne of her illustrious ancestors.

The lamentable state to which a portion of its deluded and rebellious inhabitants have reduced the neighbouring Province of Lower Canada, excites within us that fraternal sympathy for our loyal fellow-subjects in that Province, with the mere expression of which we shall not rest satisfied, but shall evince it by our active support of the Royal authority, and in aid of those who are now contending against the desperate efforts of a revolutionary faction, for the preservation, to themselves and their descendants, in common with us all, of the inestimable blessings of British connexion; and although succours from the mother country may be in some degree cut off at this season of the year by the severity of the climate, yet we hope that the prompt and effective manner in which the surrounding colonies shall render assistance to the Government, at this important crisis, will be a sufficient assurance that succours are always at hand, which no rigour of climate can exclude, while a man remains in their loyal provinces to take the field.

We shall apply ourselves with diligence in order to devise the mode and extent of the aid which we can best render to our loyal brethren of Lower Canada; and your Excellency's past conduct in your country's service affords us a most satisfactory guarantee that all the energy by which your Excellency has been heretofore characterized will be readily directed, if required, in that manner which will be best calculated to promote the interests of the Crown, and the security of the country.

We were prepared to learn that the loyalty and gallantry for which the militia of Upper Canada have been so memorably distinguished remain unchanged, and we sincerely hope that the prompt suppression by them, unaided by any portion of Her Majesty's troops, of the revolutionary outbreak, which was attempted by some seditious and deluded persons in that Province, will have a most beneficial influence in future in preventing the repetition of such violent outrages on the peace and good order of society.

We thank your Excellency for the assurance that the treasurer's accounts, and all other documents which may be necessary for our information in regard to the finance of the Province, shall be laid before us, and we hope to merit your Excellency's confidence by the liberal provision which we shall make for the ordinary services, and for all other objects of public utility which may require legislative bounty.

Your Excellency may rest assured, that such communications from Her Majesty's Government as you may be pleased to lay before us, shall receive our best attention; and we would express our high gratification with the pleasing declaration of your Excellency, that the same sentiments of lively solicitude for the prosperity of this Province which pervaded every act of his late Majesty, will be found to influence our present most gracious Sovereign.

To which his Excellency was pleased to make the following reply:—

Mr. Speaker and Gentlemen,

In the name of our gracious Queen, I thank you for this loyal and dutiful address, which leaves me nothing to desire except the ability adequately to express my sense of the noble manner in which you have responded to the appeal which I felt it my duty to make to you in behalf of our loyal fellow-subjects of Lower Canada, and in support of the Royal authority in that Province.

(signed) J. Harvey, Lieut.-Governor.

Government House, 2 January 1838.

Enclosure 4, in No. 36.

House of Assembly, Friday, 5 January 1838.

Resolved unanimously, That the thanks of this Province are due, and should be presented to Sir Francis Bond Head, and the gallant militia of Upper Canada, for their able, prompt, and energetic suppression of the insurrection which lately took place in the neighbourhood of Toronto.

Resolved unanimously, That the conduct of our fellow-subjects in Upper Canada, on this memorable occasion, so fully in accordance with their former high spirit and character, affords a glorious example to the sister colonies, and cannot fail to quicken the zeal and animate the exertions of every loyal heart in these colonies, in support and defence of the liberties they enjoy under British laws and institutions.

Resolved unanimously, That our fellow-subjects in Upper Canada may rest assured of the lively sympathy of the inhabitants of this Province in their loyalty and patriotic ardour, and of our most zealous co-operation in maintaining the Royal authority, and the inestimable advantages of our connexion with the mother country.

Resolved unanimously, That an humble address be presented to his Excellency the Lieutenant-governor, praying that his Excellency will be pleased to transmit these resolutions to his Excellency Sir Francis Bond Head, Lieutenant-governor of Upper Canada.

Resolved, That the Legislative Council be requested to join in these resolutions.

(signed) *Charles P. Wetmore*, Clerk.

Legislative Council Chamber, Friday, 5 Jan. 1838.

Resolved unanimously, That this House doth most heartily concur in the resolutions of the House of Assembly on the subject of the insurrection in Upper Canada.

(signed) *William Tyng Peters*, Clerk.

Enclosure 5, in No. 36.

Government House, Fredericton, New Brunswick,

6 January 1838.

Sir,

WITH the highest satisfaction I comply with the wishes of the Legislative Council and House of Assembly of this Province, by transmitting to your Excellency resolutions jointly concurred in by those bodies, tendering to your Excellency, and to the gallant militia of Upper Canada, the unanimous thanks of the Legislature and of the people of New Brunswick, for the able, prompt, and energetic suppression by them, and by your Excellency, unaided by any portion of Her Majesty's troops, of the late insurrection in the neighbourhood of Toronto.

In doing this, I beg to add the expression of my warmest concurrence in the sentiments embodied in these resolutions, with the assurance that, while we feel the most entire confidence in the ability of Her Majesty's loyal subjects of Upper Canada, under your Excellency's guidance, to put down rebellion wherever it may show itself, yet we cannot but regret that our remote position with respect to that Province prevents our offering our more active co-operation.

His Excellency Sir F. B. Head, Bart.
Lieut.-governor, Upper Canada.

I have, &c.
(signed) *J. Harvey*, Major-general,
Lieut.-governor.

— No. 37. —

EXTRACT of a DESPATCH from Major-General Sir *John Harvey*, K. C. H., to Lord *Glenelg*, dated Government House, Fredericton, 2 February 1838.

HEREWITH I have the honour and the satisfaction of transmitting to your Lordship copy of an Act, to which my assent was given on the 22d ultimo, by which I am empowered to call out and embody 1,200 militia volunteers, to be employed in any part of Her Majesty's possessions in British North America, where their services may be required in support of the Royal authority, and for the maintenance of British connexion.

The favourable character of the recent accounts from the Canadas encourages the hope that the services of this volunteer force may not be required; but your Lordship, the Queen's Government, and Her gracious Majesty, will not be the less gratified by the promptness with which the Legislature of New Brunswick has responded to the appeal which I felt it my duty to make to it,

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NEW
BRUNSWICK.

No. 36.

Sir J. Harvey
to Lord Glenelg,
10 January 1838.

Encl. 4, in No. 36.

Encl. 5, in No. 36.

No. 37.
Sir J. Harvey
to Lord Glenelg,
2 February 1838.

NEW
BRUNSWICK.

No. 37.
Sir J. Harvey
to Lord Glenelg.
2 February 1838.

and by the truly loyal spirit which has been evinced by the entire population of the Province, during the course of the recent events in Canada. And here I feel it to be an act of justice, which I have the greatest pleasure in performing, towards the people of the neighbouring State of Maine, to state, that not one single act of border inroad or encroachment, or indicating any wish to take advantage of the circumstances in which this and the neighbouring Province of Lower Canada were placed by the outbreak in the latter Province, has been committed, to my knowledge, by any citizen of the State of Maine, or by any other citizens of the United States, upon the frontiers of that State.

Enclosure in No. 37.

Encl. in No. 37. AN ACT in addition to an Act, intituled "An Act to repeal all the Laws now in force for the Organization and Regulation of the Militia, and to make further Provision for the same.—Passed, 22 January 1838.

WHEREAS during the existence of the disturbances, or the reasonable apprehension of the repetition thereof, in the Canadian Provinces, it is expedient that Legislative aid should be immediately afforded, to enable his Excellency the Lieutenant-governor or Commander-in-Chief for the time being to organize one or more battalions of provincial troops, for the support of the Queen's Government in the Canadas, and for the performance of garrison or other duties in this Province:

1. Be it therefore enacted, by the Lieutenant-governor, Legislative Council and Assembly, that from and after the passing of this Act, his Excellency the Lieutenant-governor or Commander-in-Chief of this Province for the time being, by and with the advice and consent of Her Majesty's Executive Council, be and he is hereby authorized and empowered to enrol and organize, in such manner as to the said Commander-in-Chief for the time being may seem meet and proper, from the several regiments of militia in this Province, as many men who may voluntarily enlist as hereinafter mentioned, not exceeding in the whole 1,200 rank and file.

2. And be it enacted, that there be paid to each and every man on enlistment the sum or bounty of 5*l.*, in manner following; that is to say, the sum of 2*l.* 10*s.* on enrolling his name with and putting himself under the command of such person or persons as may be for that purpose appointed by the said Commander-in-Chief for the time being, and the residue or further sum of 2*l.* 10*s.* whenever it shall be made to appear to the satisfaction of the commanding officer that the requisite regimental necessaries have been provided; and that, on receipt of the first sum and enrolment as aforesaid, each and every man shall be thenceforth subject to all the provisions and regulations of the Act of the Imperial Parliament, made and passed in the seventh year of the reign of his late Majesty King William the Fourth, intituled "An Act for punishing Mutiny and Desertion, and for the better payment of the Army and their quarters," and of the rules and articles for the better government of Her Majesty's forces, founded upon and in accordance with the above-recited Act.

3. And be it enacted, that the said bounty-money shall be paid out of the Province Treasury, by warrant under the hand and seal of his Excellency the Lieutenant-governor, by and with the advice and consent of the Executive Council: provided that no further sum be granted out of the Province funds, towards the payment of the officers and men contemplated to volunteer and to be enrolled by the provisions of this Act, than the bounties hereinbefore stated.

4. And be it enacted, that from and after the enrolment and organisation of the said corps, or so soon after the commencement thereof as may be thought proper, the said corps or any part thereof may be marched, as occasion may require, to any part of the British North American colonies.

5. And be it enacted, that in case it shall be deemed necessary to order the aforesaid corps to march beyond the limits of this Province, or in case the said corps should not be raised, and it should be thought advisable, from the absence of the Queen's troops, to call out any portion of the militia for garrison duty, it shall and may be lawful for the Commander-in-Chief for the time being to call out such portion of the militia of this Province, as he may deem necessary for the performance of garrison or other military duty within this Province, the same to be drafted by ballot according to the mode prescribed in and by the 30th section of the aforesaid Act, to which this is an amendment: provided always, that the number of militia to be called out as aforesaid shall not exceed 300 rank and file.

6. And be it enacted, that whenever the said Commander-in-Chief shall think it expedient to order a draft by ballot as aforesaid, volunteers who offer themselves for service may be accepted, and being so accepted shall be subject to the same provisions and regulations as though they had been drafted by ballot.

7. And be it enacted, that the officers, non-commissioned officers, drummers, fifers, buglers, and privates, so called out for provincial duty as last aforesaid, shall be entitled to the same pay and allowances as the officers, non-commissioned officers, drummers, fifers, buglers, and privates of Her Majesty's regular troops respectively receive, to be reckoned from the day of their being enrolled until their discharge respectively; and at the time of their

their discharge they shall be allowed respectively a number of days' pay to defray their expenses to their usual place of residence within the Province, at the rate of 15 miles per day, together with an additional bounty to each man of the non-commissioned officers, drummers, fifers, buglers, and privates, who shall have served faithfully during their term of service, of 2*l.* 10*s.*, which pay and bounty for the said last-mentioned corps, so to be called out as last aforesaid, shall be paid out of the Province Treasury, by warrant under the hand and seal of his Excellency the Lieutenant-governor or Commander-in-Chief for the time being, by and with the advice and consent of the Executive Council.

8. And be it enacted, that this Act shall continue and be in full force and effect for the space of two years, from and after the passing thereof, and if the said Commander-in-Chief shall think proper to discharge the said corps, or either of them, before the expiration of the said term of two years, it shall and may be lawful for him so to do by general order to that effect: provided always, that the said first-mentioned corps be not discharged without the limits of this Province.

9. And be it enacted, that this Act may be altered or amended by any Act or Acts to be passed in this Session of the Legislature.

NEW
BRUNSWICK.

No. 37.

Sir J. Harvey
to Lord Glenelg,
2 February 1838.

Encl. in No. 37.

— No. 38. —

(No. 7.)

COPY of a DESPATCH from Major-General Sir *John Harvey*, K. C. H., to
Lord *Glenelg*.

Government House, Fredericton,
6 February 1838.

My Lord,

I HAVE the honour herewith to transmit a joint Address from the Legislative Council and House of Assembly of this Province to our Gracious Sovereign, offering to Her Majesty the homage of their congratulations upon her accession to the Throne, and the expression of their condolence with Her Majesty upon the lamented death of His Majesty William the Fourth.

In laying this dutiful and loyal Address at the foot of the Throne, I pray your Lordship to assure our Gracious Queen, that in no part of Her Majesty's extensive dominions does there exist a people more truly loyal to Her Majesty, and more firmly attached to British connexion, than are the people of New Brunswick.

I have, &c.
(signed) *John Harvey*, Lieut.-governor.

No. 38.
Sir J. Harvey
to Lord Glenelg,
6 February 1838.

Enclosure in No. 38.

To the QUEEN'S Most Excellent Majesty.

The humble and dutiful Address of the Legislative Council and House of Assembly of the Province of New Brunswick, in General Assembly.

May it please Your Majesty,

WE deeply participate with your Majesty in the severe affliction which your Majesty has suffered by the lamented death of your Majesty's beloved uncle, our late Sovereign of revered and glorious memory.

We assure your Majesty, that we shall ever remember with affection and gratitude the liberal and enlightened policy with regard to the people of this Province, which so peculiarly characterised the reign of his late Majesty King William the Fourth.

In presenting to your Majesty our humble and heartfelt congratulations on your Majesty's auspicious accession to the Throne, we desire to record the expression of our devoted attachment to your Majesty's sacred person, and our entire confidence that your Majesty will evince the same lively solicitude for the welfare and protection of your people in this Province, which so conspicuously distinguished your Royal predecessor.

We offer our fervent aspirations, that, under the favour and guidance of Divine Providence, your Majesty may long continue to reign in the hearts and affections of all your subjects, throughout your Majesty's widely extended dominions.

(signed) *Ward Chipmun*, Pr. Leg. Council.
Charles Simonds, Speaker of the Assembly.

Encl. in No. 38.

NEW
BRUNSWICK.

No. 39.

Sir J. Harvey
to Lord Glenelg,
9 March 1838.

— No. 39. —

COPY of a DESPATCH from Major-General Sir *John Harvey*, K. C. H., to
Lord *Glenelg*.

Government House, Frederickton, New Brunswick,
9 March 1838.

My Lord,

AN unexpected opportunity having presented itself, I avail myself of it, for the purpose of transmitting to your Lordship copy of the speech with which I shall close the session of the Legislature of this Province at one o'clock this day; and I beg leave, in an especial manner, to invite your Lordship's attention to the joint Address noticed by me in the concluding paragraph of the speech, presented to me after my speech was written, and, in fact, within the last half hour.

If anything had been wanting to prove to our gracious Queen, to Her Majesty's Government, to their loyal fellow-subjects of these colonies, and to the whole world, the ardent spirit of loyalty and of British feeling by which the inhabitants of New Brunswick are animated, this Address would have afforded that proof; and I cannot doubt that your Lordship will derive a high degree of satisfaction in laying at Her Majesty's feet this evidence of the grateful sense which her royal subjects of New Brunswick entertain of the blessings of British connexion.

With respect to the temper and feeling in which the legislative duties of the session have been conducted, it might be sufficient for me to refer your Lordship to my speech on closing it; but I will add, that every suggestion and recommendation, which I have deemed it my duty to make to them, has been received in a spirit of the most evident desire to meet my wishes, and full effect has been given to all the most prominent and important of these suggestions, such as the salary for a "Master of the Rolls," the vote for a "Lunatic Asylum," a sum for the purchase of Elementary School Books, inculcating sound principles and true loyalty, &c. &c.

I am proud of the people over whom I have been appointed to preside.

I have, &c.

(signed) *John Harvey*, Lieut.-governor.

Enclosure 1, in No. 39.

Legislative Council Chamber, March 9.

Encl. 1, in No. 39. AT half-past one o'clock his Excellency the Lieutenant-governor came to the Council Chamber, and being seated on the throne, the Gentleman Usher of the Black Rod was sent to command the attendance of the House of Assembly, when his Excellency closed the session of the Legislature with the following speech:—

"Mr. President and Hon. Gentlemen of the Legislative Council,—

"Mr. Speaker and Gentlemen of the House of Assembly,—

"On behalf of our gracious Queen, I renew to you my thanks for the manner in which you responded to the appeal which I felt it my duty to make to you at the opening of the session, and for the effectual provision which you so promptly made for the purpose of giving support to the Royal authority, and aid to your loyal fellow-subjects in the sister Province, recently the scene of revolt.*

"My acknowledgments are further due to you for the attention which you have paid to the general business of the session, as well as to those subjects which I have from time to time brought under your consideration. Intimately acquainted as you necessarily are with the actual condition of the Province, I do not allow myself to doubt that those questions have been disposed of in the manner most accordant with its true interests.

"I thank

* One of the first acts of the session was to authorize the Lieutenant-governor to raise a body of 1,200 militia volunteers, for service in any part of British America, in support of Royal authority, &c.

"I thank you, in Her Majesty's name, for the liberality with which you have granted the supplies for the various exigencies of the public service, and more especially for having made a suitable provision for the important office of Master of the Rolls; and I will add in my own name, and in that of my successors in the administration of this government, for the great attention which has been paid to the accommodation of Her Majesty's representative, in the thorough repairs made, and furniture added, to the Government house.

"It only remains for me to assure you, that it will be my endeavour to apply your appropriations to their respective objects, with a due attention to that just economy which appears to me to consist in giving the fullest effect to the service in view, without unnecessary expense to the public.

"Upon the result of your joint labours I offer you my congratulations, and, above all, I wish to record my approbation of that spirit of cordiality and unanimity which has characterized all your proceedings.

"The legislative duties of the session appear to me to have been conducted in the true spirit of that revered constitution to which the people of this Province have on so many occasions shown their zealous attachment, and which I am convinced it will be your care and your determination to transmit unimpaired to your descendants.

"In releasing you from further attendance upon your legislative duties, I look forward with satisfaction and confidence to again meeting you in provincial Parliament at the usual period, or whenever the state of public affairs may appear to me to require that you should be convened.

"In concluding this address, I advert with feelings of proud emotion to your joint resolution, which has just been presented to me, placing at my disposal the sum of 10,000*l.* for the purpose of enabling me to meet any emergency which may arise out of the state of affairs now existing betwixt the British and American Governments, in consequence of the lawless and hostile proceedings of the armed banditti by which the frontiers of Upper and Lower Canada are threatened from the United States, and for the object of preserving that connexion with the mother country which is so warmly cherished by the inhabitants of this Province.

"Gentlemen,—By England's Queen, by the British people, and by your loyal fellow-subjects of these and every other colony of this vast empire, will your noble conduct at this crisis be duly appreciated.

"For myself, I can no otherwise repay the confidence which you have been pleased to repose in me than by devoting my utmost energies to the glorious cause of preserving our soil from violation by hostile foreigners, and of maintaining to the loyal inhabitants of these truly British colonies the blessings of British connexion, for which they have so unequivocally evinced their attachment and preference."

Enclosure 2, in No. 39.

RESOLUTION placing 10,000 *l.* at the disposal of His Excellency.

House of Assembly, 8 March 1838.

WHEREAS the present state of the American frontier of Upper and Lower Canada may render it incumbent on the British Government to adopt hostile measures for the security of the Queen's dominions, and the preservation of the national honour :

And whereas this Province should come forward on this occasion, with such unequivocal expressions of loyalty and zeal, as would do justice to the well-known character and spirit of its inhabitants ;

Therefore, resolved unanimously, that an humble address be presented to his Excellency the Lieutenant-governor, setting forth, that, in the event of any necessity arising from a state of hostilities, his Excellency be authorized, by and with the advice and consent of the Executive Council, to draw from the province treasury a sum not exceeding 10,000 *l.*, to meet any emergency which the public interests of this Province, or the welfare of the British colonies, may appear to require ; and that this House will make provision for the same.

And further resolved, that the Legislative Council be requested to join in the address.

(signed) *Charles P. Wetmore,*
Clerk to the Assembly.

M. W. Tyng Peters,
Government Secretary to the Legislative Council.

NEW
BRUNSWICK.

No. 39.

Sir J. Harvey
to Lord Glenelg,
9 March 1838.

Encl. 1, in No. 31.

Encl. 2, in No. 39

NEW
BRUNSWICK.No. 40.
Sir J. Harvey
to Lord Glenelg,
13 March 1838.

— No. 40. —

(No. 11.)

COPY of a DESPATCH from Major-General Sir *John Harvey*, K. C. H., to
Lord *Glenelg*.Government House, Fredericton, New Brunswick,
13 March 1838.

My Lord,

BY desire of the House of Assembly of this Province, I have the honour to transmit resolutions adopted by that body, in consequence of an address or appeal made to it (in common with the other branches of the Legislature of the Province), by the "Constitutional Society" of Montreal; I also enclose copy of the answer which was returned by me to the address of that society, together with the address itself.

I have, &c.

(signed) *J. Harvey*, Deputy-Governor.

Enclosure 1, in No. 40.

House of Assembly, 9 March 1838.

Encl. 1, in No. 40.

1. Resolved, That this House is duly impressed with the forcible appeal of the Constitutional Association of the city of Montreal, in Lower Canada, on behalf of the loyal inhabitants of British and Irish origin, resident in that Province.

2. That this House doth most sincerely sympathize with those loyal brethren, and doth unfeignedly regret the unfortunate position in which they have been placed by a revolutionary French faction, professedly bent on the dismemberment of that valuable and important colony from the British empire.

3. That the accomplishment of such a daring and wicked design would not only be destructive of the rights and interests of the British population of that Province, but would also endanger that strong connexion so happily existing between the other American colonies and the mother country, and in the opinion of this House would be regarded as a grievous calamity by every virtuous and enlightened citizen of the neighbouring Republic.

4. That while this House doth freely admit that sufficient causes may have heretofore existed to have justified an appeal to the Home Government, for an enlargement of the constitutional powers of the representatives of the people of that Province; yet it doth, at the same time, entertain the opinion that the extravagant claims made by the Assembly, and so pertinaciously reiterated, were such as never could have been complied with, without giving up to the French dominant party the absolute control of the Provincial Government, and thereby inevitably inducing an entire frustration of British interests, and the abandonment of the Province by British inhabitants.

5. That being deeply impressed with the relative importance and value of that Province as an integral portion of the British American possessions, it is the opinion of this House, and one which it is called upon at this time to express, that prompt and effective measures should be adopted by Her Majesty's Government, to reform the constitution and customs of that important Province, by assimilating the laws and usages thereof to those of the neighbouring colonies, and by abolishing the French language from all legislative and judicial proceedings.

6. That this House cannot venture to recommend the re-union of the Canadas, without first having ascertained the views of the Legislature of the Upper Province, on that important question.

7. That this House entertains a high sense of the inflexible loyalty which has distinguished such of the French inhabitants as have adhered to the Royal standard through the late rebellion.

8. That an humble Address be presented to his Excellency the Lieutenant-Governor, praying that his Excellency will be pleased to transmit the foregoing resolutions to Her Majesty's Government, to be laid at the foot of the Throne.

9. That his Honor, the Speaker, do transmit a copy of the above resolutions to the Constitutional Association at Montreal.

(signed) *Charles P. Wetmore*, Clerk of Assembly.

NEW
BRUNSWICK.

Enclosure 2, in No. 40.

Government House, Fredericton, New Brunswick,
15 January 1838.

Gentlemen,

I HAVE the honour to acknowledge the receipt of the representation which you have done me the honour to address to me.

Without considering it necessary to offer any observations upon the anomaly which is presented by the discordant nature of the laws, customs, language, tenures, and national feelings, co-existing in the Province of Lower Canada, I will merely observe, that under the extraordinary circumstances in which that Province is at present placed, it appears to me that upon the Imperial Parliament have devolved the right and the duty of applying remedial measures to the existing lamentable state of things. These measures, I cannot doubt, will be such as may be best calculated for effecting the great objects, so ardently desired by our Gracious Queen, of promoting the prosperity, and of effectually guarding and protecting the rights, interests, lives and property, of all classes of Her Majesty's loyal subjects in that important section of the British colonial empire.

The President and the Secretary of the Montreal }
Constitutional Association.

I have, &c.
(signed) J. Harvey.

Enclosure 3, in No. 40.

Petition of the President and Secretary of the Constitutional Association of Montreal.

Encl. 3, in No. 40.

To the Knights, Citizens, and Burgesses of the Province of New Brunswick, in
Provincial Parliament assembled.

The Petition of the undersigned for themselves, and in behalf of the Constitutional
Association of the City of Montreal,

(Similar to the Petition to the Assembly of the Province of Upper Canada, *vide* p. 151.)

PRINCE EDWARD ISLAND.

PRINCE
EDWARD
ISLAND.

— No. 41. —

No. 41.

Sir C. A. Fitzroy
to Lord Glenelg,
29 January 1838.

(No. 8.)

COPY of a DESPATCH from Sir *Charles A. Fitzroy*, K.H., to Lord *Glenelg*.Government House, Prince Edward Island,
29 January 1838.

My Lord,

I HAVE much satisfaction in transmitting to your Lordship a dutiful and loyal Address, agreed to at a very numerous and respectable meeting of the inhabitants of Queen's County in this island, expressive of their loyalty to the Crown, and their abhorrence of the rebellion in the Canadas, with a request that it may be laid at the foot of the Throne.

I have also the honour to transmit, for the same purpose, an Address from the inhabitants of Prince Town, Prince Town Royalty, and vicinity.

I have, &c.

(signed) *Charles A. Fitzroy*, Lieut.-Governor.

Enclosure 1, in No. 41.

Encl. 1, in No. 41 To His Excellency Sir *Charles Augustus Fitzroy*, K.H., Lieutenant-governor and Commander-in-Chief in and over Her Majesty's Island, Prince Edward, and its Dependencies, Chancellor, Vice-Admiral, and Ordinary of the same, &c. &c.

May it please your Excellency,

WE, the inhabitants of Queen's County, fully impressed with a due sense of the abundant blessings imparted to these North American colonies by the British constitution, are filled with astonishment and indignation at the unwarrantable proceedings which have recently taken place in Lower Canada. Your Excellency will likewise give us credit for similar feelings in reference to the rebellious spirit which has also pervaded many deluded people in the Upper Province.

That the success on these occasions has not been equal to the sanguine expectation of the factious demagogues and their revolutionary parties, must be attributed, under Providence, to the well-displayed loyalty and zeal of the better part of Her Majesty's subjects, both civil and military, in Lower Canada, and to the prompt and energetic measures of the Government and gallant militia at Toronto.

In requesting your Excellency to convey to the foot of the Throne our heartfelt expressions of fidelity and attachment to our beloved Queen and the British constitution, we avail ourselves of the opportunity afforded us, of acknowledging our gratitude to Her Majesty for her appointment of a lieutenant governor so experienced and willing, as far as our strength and numbers admit, to apply that strength in any emergency to assist in upholding the dignity of the Crown, and for the better security of this part of Her Majesty's dominions.

By order and on behalf of the meeting,

Charlotte Town, 18 January 1838.

(signed) *John Barrow*, Chairman.

Enclosure 2, in No. 41.

Encl. 2, in No. 41 To His Excellency Sir *Charles Augustus Fitzroy*, K.H., Lieutenant governor and Commander-in-Chief in and over Her Majesty's Island, Prince Edward, Chancellor, Vice-Admiral, and Ordinary of the same, &c. &c.

May it please your Excellency,

THE inhabitants of Prince Town, Prince Town Royalty, and vicinity, deeply regretting the unfortunate situation of affairs presently existing in the Canadas, where rebellion against their lawful Sovereign, among a number of misguided and deluded men, so much prevails, have, at a public meeting this day convened unanimously, declared not only their

loyalty

AFFAIRS OF LOWER CANADA, &c.

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loyalty and attachment to Her Majesty's person and Government, but also their firm determination to resist to the utmost of their power whatever may tend to dismember the British empire, of which they rejoice to consider the North American colonies a part.

Deeply sensible of the many blessings which the North American colonies have enjoyed under the British constitution, and thankful to Divine Providence for the peace and happiness which continue to reign in this section of the island, the inhabitants of Prince Town, Prince Town Royalty, and vicinity, humbly request your Excellency to acquaint their beloved Sovereign with the sentiments expressed by them on the present occasion; and also that their firm obedience to the laws may at all times be with confidence relied on.

Prince Town Royalty,
20 January 1838,

On behalf of the meeting,
(signed) *Joseph Pope*, Chairman.

PRINCE
EDWARD
ISLAND.

No. 41.

Sir C. A. Fitzroy
to Lord Glenelg,
29 January 1838.

Encl. 2, in No. 41.

— No. 42. —

COPY of a DESPATCH from Sir *Charles A. Fitzroy*, K. H., to Lord *Glenelg*.

Government House, Prince Edward Island,
2 March 1838.

My Lord,

I HAVE the honour to transmit to your Lordship an Address from the inhabitants of the North-west Section of Prince County in this island, expressive of their regret at the insurrection in the Canadas, and of their loyalty and attachment to the British Crown and constitution, which I am requested to forward to your Lordship, with a view to its being submitted to Her Majesty.

I have, &c.
(signed) *Charles A. Fitzroy*, Lieut.-Governor.

No. 42.

Sir C. A. Fitzroy
to Lord Glenelg,
2 March 1838.

Enclosure in No. 42.

To His Excellency Sir *Charles Augustus Fitzroy*, K. H., Lieutenant-Governor and Commander-in-Chief in and over Her Majesty's Island, Prince Edward, and its Dependencies, Chancellor and Vice-Admiral of the same, &c. &c. &c.

Encl. in No. 44-

May it please your Excellency,

THE inhabitants of townships, Nos. 11, 12, 13 and 14, and their vicinity, avail our selves of this opportunity of expressing our loyalty and fidelity to the British Crown and constitution, and, at a public meeting this day convened for that purpose, have declared our sentiments, deeply deploring the unfortunate situation of affairs in the Canadas, and loss of so many brave men, who fearlessly offered their services in defence of their Queen, constitution, and country; at the same time we cannot but rejoice at the signal victory that Her Majesty's loyal troops and militia have obtained over such numbers of rebellious subjects, and trust that their diabolical proceedings may soon be terminated.

Duly appreciating the numerous blessings and advantages we derived in this fertile island, and patronized as we have been by our most gracious Queen's much revered and lamented father, and thankful to Divine Providence for the innumerable benefits we enjoy, and in particular for having been favoured with a humane and wise governor, who we believe to have the prosperity of this island at heart.

We, therefore, beg leave to request that your Excellency will condescend to convey to our beloved Sovereign our sentiments on the present occasion, hoping that peace and tranquility may flourish in all the British colonies.

Signed on behalf of the meeting,

James Yeo, Chairman.

Port Hill, 15 February 1838.

UPPER CANADA.

RETURN to an ADDRESS of the Honourable The House of Commons,
dated 17 January 1838;—*for*,

COPY of the DESPATCHES from Sir *F. B. Head* to Lord *Glenelg*, dated
21 April 1836, and 16 July 1836.

Colonial Office, Downing-Street, }
22 January 1838.

G. GREY.

(*Mr. Hume.*)

Ordered, by The House of Commons, to be Printed,
23 January 1838.

[*Price 1 s.*]

L I S T.

No. 1.—COPY of a Despatch from Lieut.-Governor Sir *F. B. Head* to Lord *Glenelg*,
dated Toronto, 21 April 1836 - - - - - p. 3

Petition of the House of Assembly to the King - - - - - p. 11

Ditto - - - - ditto - - to the Commons of the United Kingdom - p. 11

Copy of a Letter from Captain *A. Baldwin* to Lieut.-Governor Sir *F. B. Head* - p. 13

Addresses of the House of Assembly to the Lieut.-Governor ; with Replies - p. 13

Speech of the Lieut.-Governor on closing the Session of the Legislative Council - p. 15

Addresses from different parts of the Province of *Upper Canada* to the Lieut.-
Governor - - - - - p. 19

ADDRESS to The King from the Assembly of *Upper Canada* - - - - - p. 26

Report of Committee to Commons House of Assembly - - - - - p. 26

Schedule of Documents forming an Appendix - - - - - p. 53

No. 2.—Copy of a Despatch from Lieut.-Governor Sir *F. B. Head* to Lord *Glenelg*, dated
Toronto, 16 July 1836 - - - - - p. 93

COPY of the DESPATCHES from Sir *F. B. Head* to Lord *Glenelg*, dated
21 April 1836, and 16 July 1836.

— No. 1. —

(No. 26.)

COPY of a DESPATCH from Lieutenant-Governor Sir *F. B. Head* to
Lord *Glenelg*.

No. 1.

Sir *F. B. Head* to
Lord *Glenelg*.

My Lord,

Toronto, 21 April 1836.

18 April.

I HAVE the honour to transmit to your Lordship an Address from the House of Assembly to His Majesty, as also copy of one to the House of Commons, reprobating, in unusual language, my conduct as Lieutenant-governor of this Province. I have also to inform your Lordship that the House of Assembly have deemed it their duty to stop the supplies; that, in consequence of this proceeding, I have reserved all their money-bills for the consideration of His Majesty, and that I have declined to grant their contingencies.

I also enclose to your Lordship a copy of my speech on proroguing the Provincial Parliament.

Under these circumstances, I feel it incumbent to submit to your Lordship a plain statement of the whole affair.

In my despatch, No. 3, to your Lordship, dated 5th February, I stated as follows:

“As far as I have been able to judge, I should say, that the republican party are implacable; that no concession whatever would satisfy them, their self-interested object being to possess themselves of the government of this Province, for the sake of lucre and emolument.”

In my despatch, No. 9, dated 22d of February, I stated to your Lordship, as follows:

“Having now informed your Lordship of the individuals I have added to the Executive Council, with the circumstances which have preceded their appointments (which, I trust, may be confirmed), it only remains for me to state, that, although tranquillity in this Province is, I conceive, now momentarily established, I do not expect that the present House of Assembly will discontinue their agitations.

“It shall be my duty, however, to afford them no reasonable cause of complaint; to their addresses, as well as to their opinions, I shall give every possible attention, and will afford them every assistance to correct all real grievances; but I am so convinced that every improper concession will not only strengthen their demands, but weaken my influence in the Province, that I shall continue to resist, as I have hitherto done, any demand that may at all tend to undermine the happy constitution of the Province, as I believe that this policy will eventually secure to the Lieutenant-governor of Upper Canada (whoever it may be) the confidence and the support of the community.”

To the foregoing opinions expressed to your Lordship I firmly continue to adhere; and I refer to them, for the object of proving that the political state of this Province requires no deep experience, but that its moral was evident to me before I had been a month in this capital.

The speech I yesterday delivered, on proroguing the Provincial Legislature, will sufficiently explain the attempts I have made to carry into effect the remedial measures with which I was entrusted. I will, therefore, only shortly observe, that the Grievance Report remains unopened; that not one of the remedies your Lordship prescribed has been carried into effect; that, in fact, this

No. 1.

Sir F. B. Head to
Lord Glenelg.

Grievance Report was nothing but a revolutionary *ignis fatuus*, purposely created to deceive the British Government, and that, as I stated in my despatch, No. 24, dated 6th of April, "far from desiring to remove these grievances, the republican members deem them the fulcrum for subverting the Government, and for destroying the constitutional liberties of the Province."

The decided measures which your Lordship took promptly to correct the alleged grievances which were brought before you, have had the happy effect of breaking up the faction which, from want of firmness, has long been undermining the constitution of this Province. Its enemies are now unmasked, disarmed, and discomfited, and the inhabitants of this country are now indignantly exclaiming, as Cromwell said, "You, who are deputed here by the people to get their grievances redressed, are yourselves become their greatest grievance."

If the sentiments contained in these petitions from the House of Assembly, were really the sentiments of their constituents, this Province might justly be said to be in a state of revolt, whereas the fact is, as I stated it to your Lordship in my last despatch, No. 24, that a burst "of loyalty will very shortly resound from one end of the Province to the other, as a more honest, well-meaning peasantry cannot exist than His Majesty's subjects in this noble Province;" and, as a proof of this assertion, I refer your Lordship to the enclosed addresses I have already received.

Your Lordship cannot but remark, that for the first time in the history of this Province, the supplies have been stopped; that the whole country has been thus thrown into confusion; and that the period selected for this violence has been my arrival with your Lordship's instructions to correct all the grievances of the country. Had the object of those who have stated themselves reformers been reform, your Lordship's instructions would have been hailed with joy, instead of which they have been repudiated by the republicans, as the enemy of their hopes.

The case is fortunately so clear, that no one, even in England, can now fail to understand it.

"Why," it will be asked, "have the supplies in Upper Canada been stopped?" The answer is, because the complaints of the republicans were ordered to be corrected, and being thus driven off their grievance ground, they were forced by your Lordship to unveil the real object, which has been neither more nor less than to seize upon the power and patronage of the Crown.

"And how," it will be asked, "have they attempted to do this?" I reply, by demanding that the Executive Council be henceforward responsible to the people; or, in other words, to themselves, for the acts of the Lieutenant-governor.

And is this all? No; they further demand that the Legislative Council shall be elective, or, in other words, that it shall also be nominated by themselves. And if this does not betray their real object—if this does not prove to people in England the traitorous, democratic intentions of the half-dozen republicans who have been allowed to agitate this noble Province, facts are useless and argument is powerless.

If the duty of the Lieutenant-governor of this Province merely consisted only in his being one branch out of three of the Colonial Legislature, even in that case there would be no more reason why he should be governed by an Executive Council than that such a body should be created to govern the House of Assembly or the Legislative Council. But besides the Lieutenant-governor's station in the Provincial Legislature, he has to guard the lands and property of the Crown; in short, he is the only individual in the Colony competent to consider the interests of the British Empire, of which the Colony is but an atom.

The Executive Council are his privy council, to give him sworn advice when he wants it, and not to "encumber him with help" when he does not require it.

If I had been governed by my late council, the constitution of this Province would at this moment be subverted, for it will be evident to your Lordship that the unanimous demand they made upon me was contrary to law.

This doctrine was in 1834 clearly explained by Mr. Stanley, who, in reply to

to Mr. Roebuck's motion, "that a Select Committee be appointed to inquire into the political state of the Canadas," declared as follows:

"The first point to which the honourable Member referred, was the constitution of the Executive Council. It may, perhaps, be necessary for me to inform the House, that the Executive Council is a body acting in the nature of the Privy Council in this country, advising the Governor, but not responsible to him, and forming a council, against whose opinion, as well as with it, he may act."

My Lord, I solemnly offer, as my most deliberate opinion, that if this doctrine be ever subverted, democracy, in the worst possible form, will prevail in our Colonies; the two branches of the Legislature have their respective interests to attend to, which too often are made subservient to their private views, but the Lieutenant-governor is the King's sentinel, and if he be disarmed of the power he has received from the Imperial Parliament, and be fettered by his provincial council, the republicans will move Heaven and earth to become the individuals to govern him.

If the power of the Lieutenant-governor is to be surrendered, I respectfully recommend that the deed be done openly and in broad daylight, for to hamper him by the number of his councillors, or to oblige him to consult them when he does not need their advice, would most surely produce the same effect, in a weak, discreditable manner.

As the subject is of vast importance, and as I believe our Colonial possessions now hang upon your Lordship's decision, I will proceed to show with what artifice the republicans of the House of Assembly of this Province have endeavoured, in their petitions against me, to attain this object.

The House of Assembly, in their own Grievance Report of last session, actually undertake to prove to His Majesty's Government the non-responsibility of the Executive Council of this Province, by the following evidence of the councillors themselves:

Honourable *George Markland*, examined. (See Grievance Report, p. 77.)

Question. Is the Lieutenant-governor obliged, in matters of state policy, to ask your advice as an executive councillor?—*Answer.* In some cases the law directs that he shall consult his council, but not in others.

The Honourable *P. Robinson*, examined. (See Grievance Report, p. 91.)

Question. Is the Lieutenant-governor obliged, in matters of state policy, to ask your advice as an executive councillor?—*Answer.* Only in cases where the 31st of the King requires that he shall act with the advice of the Executive Council.

The following is an extract of Sir John Colborne's evidence on the same subject, transmitted in a message to the House of Assembly, and ordered by them to be printed in the Grievance Report (see p. 301):

"The Lieutenant-governor is requested by the same address to give whatever information it may seem to him proper to communicate in respect to the powers, duties, and responsibilities of the Executive Council; how far that body is responsible for the acts of the Executive Government, and how far the Lieutenant-governor is authorized to act with or against their advice.

"Upon this request of the House of Assembly, the Lieutenant-governor acquaints the House, that in respect to the powers of the Executive Council, in no case, he believes, are powers committed to them except by the express provisions of British or Colonial Statutes which are known to the House of Assembly. In respect to the duties of the Executive Council, in addition to those which are imposed by Statutes, it is necessary that the Executive Council should concur with the Lieutenant-governor in deciding upon applications for lands, pursuant to His Majesty's instructions, and in making resolutions relative to that department of the Government.

"It is also the duty of the Executive Council to afford their advice to the Lieutenant-governor upon all public matters referred to them for their consideration."

The Grievance Committee having obtained the foregoing evidence, submitted

No. 1.

Sir F. B. Head to
Lord Glenelg.

it to the House of Assembly (by whom it was ordered to be printed), with the following deliberate opinion (see Grievance Report, p. 303):

“ It appears that it is the duty of the Lieutenant-governor to take the opinion of the Executive Council only in such cases as he shall be required to do so by his instructions from the Imperial Government, and in such cases as he may think fit.

“ It appears by the following transaction that the Lieutenant-governors only communicate to their councils so much of the private despatches they receive from the Colonial Office as they think fit, unless in cases where they are otherwise especially instructed.”

The House of Assembly having thus, in the session of 1835, complained to His Majesty's Government of the non-responsibility of the Executive Council in this Province, suddenly veer round in 1836, stop the supplies, and petition His Majesty and the House of Commons against me as follows :

In their petition to the King, which I herewith transmit, they state,—

“ We have now to pray your Majesty's patient and impartial attention to the history of our complaint against a sudden, abrupt, and most ungracious denial by his Excellency of those indispensable constitutional principles in our local government, the just preservation of which is above all things calculated to endear your Majesty to your Canadian people, and to strengthen the bond of union between this loyal and valuable portion of your empire and the parent state.”

In their petition against me to the House of Commons, they thus state their meaning more explicitly :

“ The country had already supposed that the Executive Council of the Province from time to time appointed by His Majesty, under the 31st Geo. 3, c. 31, to advise His Majesty and his representatives upon the affairs of the Province, actually discharged the important duties assigned to them by the constitution ; in consequence whereof all public odium of the mismanagement of our affairs has been heretofore vested in the Executive Council, while every Lieutenant-governor has been acquitted, upon the presumption of his being, as pleaded to us by Sir F. B. Head, a stranger lately arrived among us, and therefore unintentionally misled by corrupt advisers ; but it has now come to light that the Executive Council has been almost limited in their duties to a land board and board of audit, while the affairs of the Province, so unsatisfactorily managed, seldom passed under their review, or were submitted for their advice.”

The petition of the House of Assembly to His Majesty and the House of Commons against me, respecting the Executive Council, are, I conceive, so completely refuted by the evidence of their own Grievance Report, that I will merely conclude this subject by the following observation, written many years ago by an American :

“ A council to a magistrate, who is himself responsible for what he does, are generally nothing better than a clog upon his good intentions, are often the instrument and accomplices of his bad, and are almost always a cloak to his faults.”

The Assembly, in their petition to the House of Commons, make their second complaint against me, as follows : “ 2. Upon the formation of this council, although R. B. Sullivan, Esq. was sworn in, and appeared to the public as senior councillor, upon whom, in the event of the death or absence of his Excellency, might devolve the administration of the Government, yet a secret agreement was entered into, written in the council-chamber by his Excellency himself, by which was to be defeated the apparent succession of the senior councillor to the administration of the Government. This arrangement was denied by his Excellency to us, in his answer to our address on the subject ; while, on the other hand, the facts so denied are proved by the testimony of R. B. Sullivan, Esq., and the Hon. Captain Baldwin, both of whom are still retained by his Excellency in the council. For other instances of his deviation from candour and truth, as well as of his utter unacquaintance with the nature of our constitution, and the

the mode in which it should be administered, we refer to the appended documents."

No. 1.
Sir F. B. Head to
Lord Glenelg.

If the above statement had been made to your Lordship, I should not feel it necessary to notice it; but as it is addressed to the House of Commons, and is intended to conceal the weakness of their own case, by calumniating me, I will, as briefly as possible, show your Lordship the wilful misrepresentation it contains.

The day after my late Executive Council resigned, I gazetted Messrs. Sullivan, Allan, Baldwin, and Elmsley, in their stead; and appointed a day on which they were to be sworn in. On the morning of this day Mr. Sullivan called upon me, and said, that he wished to retain the place in which his name had appeared in the Gazette; yet he wished it should be clearly understood, that in case of my death, it was his intention to resign. My answer to him was, "When I am dead, you may all do what you like."

On assembling in the anti-chamber of the council to be sworn in, Mr. Sullivan repeated his request, and begged that his intention might be committed to writing before they were sworn in, and proposed that some person should be procured to write a memorandum of his wishes. I replied, "Surely any one can write that;" and I accordingly took up a pen and wrote what he desired, which was signed in presence of the other councillors, and delivered to Mr. Allan, before any of them were sworn in. As soon as it was signed, I said, "This had better not be secret; it had better be made public;" and, accordingly, the following day Captain Baldwin stood up in the Legislative Council and made public the whole arrangement.

About ten days afterwards, the House of Assembly, at the request of the committee to whom had been referred my correspondence with my late Executive Council, forwarded to me an address, requesting that I would lay before their House, "Copies of any bond or agreement between your Excellency and any of your present Executive Council, or between any two or more of the said council, by which it is stipulated in what manner the Government shall be administered, or who shall administer the Government of this Province in case of the above-named occurrence."

As I have stated to your Lordship, the paper which was signed in the anti-chamber of the council, and there delivered to Mr. Allan, without any minute in council being made respecting it, did not stipulate "in what manner the Government should be administered" in case of my death; nor did it stipulate who, in that event, "should administer the Government of this Province;" it merely stated Mr. Sullivan's whim, or intention, to resign: and as that had been made public in the way I have stated, I knew quite well that the address of the House of Assembly, asking for my "bond," was merely intended to insult me.

I accordingly replied to the address as follows:

"Gentlemen,

"I have entered into no bond or agreement of any sort with my present Executive Council; and I do not possess, nor does there exist in council, any document of such a nature between two or more of the said council."

This was strictly correct, for I myself had entered into no bond, nor did there exist in council any document of the nature applied for.

It was by the advice of the council, who read the Assembly's address to me, as well as my reply, before it was sent, that the above answer was given; and after it was transmitted, I gave Mr. Sullivan permission to go before the committee (which he did), and explain to them exactly what had taken place, which he did in the following plain, honest evidence on the subject:

Q. 1. Are you the senior member and presiding councillor of the Executive Council?—A. Yes.

2. Is there any written agreement existing between yourself and any of the other members of the Executive Council, by which it is stipulated on your part in what way the government of the province should be administered in the event of the death, or removal from the province, of the Lieutenant-governor?—There is no agreement in existence by which it is stipulated how the government of the province shall be administered in the event mentioned in the

No. 1.
Sir F. B. Head to
Lord Glenelg.

question. At the time the council were about to be sworn in, I expressed a wish that it might be understood that, in either of the events mentioned, it was my intention to resign my place as executive councillor, as it was not my desire, in any event, to fill the situation of administrator of the Government. At my request this intention was expressed in writing, and I signed it.

3. Is the instrument you mention under seal, or witnessed?—It is neither under seal, nor witnessed.

4. Into whose hands did you deliver the document?—Into the hands of the Hon. William Allan.

5. Did any other person know of the existence of the document?—Yes; it was not intended that my intention should be secret; his Excellency the Lieutenant-governor was present when it was read and delivered to Mr. Allan.

6. Did his Excellency the Lieutenant-governor write the document, or was it written by his Excellency's order?—I proposed that my intention should be expressed in writing, and I wished that the writing should be drawn up by some person other than myself; upon which his Excellency, being present, was kind enough to draw it up.

7. Was the writing intended to be legally binding upon you?—Certainly not.

8. What was the object or intention of the paper in question, if it was not intended to be legally binding?—It was intended for my own satisfaction, that it might not be said that I had it in view to fill the situation of administrator of the Government.

9. Do you think you could constitutionally resign, in case of either of the above events, and give place to another who could administer the Government?—I could transmit my resignation to His Majesty's Government, and decline taking upon myself the office of administrator of the Government; I think it is the constitutional right of any individual to decline taking office upon himself; and as to giving place to another, that is not the act of the person declining office, but of the law.

10. Do you not think, that in either of the above events taking place, you would be the administrator of the Government, without being appointed in any way?—The senior executive councillor would, upon taking the oaths of office, be invested with the administration of the Government, without any further appointment.

11. Do you think upon your resignation, as above stated, the administration of the Government could be assumed by any other member of the council?—I think it could, either upon my resignation, or upon my refusal to take the oath of office.

With this explanation before your Lordship, I must beg you to refer to the artful and incorrect statements made by the Assembly in their petition to the House of Commons.

1st. They say that "a secret arrangement was entered into," although it had been, as I have stated, publicly proclaimed to the whole country by one of the members of the new Executive Council, in his place in the Legislative Council. 2d. They say that this arrangement was denied "by his Excellency to us in his answer to our address," although I denied no such thing, but stated that I had entered into no bond or agreement, and that I did not possess, nor did there exist in council, any document of such a nature.

It could not matter to me one straw, whether, when I was dead, Mr. Sullivan resigned, or whether all the councillors resigned. I could have no object that Mr. Sullivan's intention to resign should be secret; if I had, I should not have recommended it to be made public, and should not have told Mr. Sullivan to go before the committee and explain his own story.

But the republicans in the House of Assembly were unable to answer the correspondence which I had held with my late Executive Council, and feeling that they were dead beaten, they caught at this straw, and petitioned the House of Commons, which they of course knew were totally ignorant of the

the whole subject against what they have termed my "deviation from candour and truth."

Sir F. B. Head to
Lord Glenelg.

But it is perhaps well they should have done so, as it will explain to the House of Commons, as well as to your Lordship, what sort of people the revolutionists of Upper Canada are, and will prove the absolute necessity of not ordering the Lieutenant-Governor to be governed by his Executive Council, which might be composed of such men. In this event, what would become of the property of the Crown? what would become of the rights of the people?

I have now submitted to your Lordship facts which are incontrovertible, and have replied to the accusations which have been made against me by the House of Assembly by merely contrasting them with their own declarations.

I must now proceed alone upon my own testimony, to which I trust your Lordship will give that weight which is due to the station I hold.

I have stated to your Lordship that the instructions you gave me to correct the grievances of this country have had the effect of breaking to pieces the republican party. The loyal feeling which is now rising up to support me in all directions is greater than I dare describe; as a single proof of which, I will inform you that a scene took place on my proroguing the Provincial Legislature which is unprecedented in the history of this country.

Although Toronto is, and always has been, the head-quarters of the reformers, and though this capital will suffer more than any other part of the Province, by the stoppage of the supplies, yet never before was the Parliament House so crowded, inside and out, as when I went there to deliver my speech.

As soon as it was ended, contrary to all custom, a burst of acclamation resounded; cheers were several times repeated, and a crowd of most respectable people of all parties actually endeavoured to take the horses from my carriage, to draw me to Government House.

On the speech being read again by the Speaker in the House of Assembly, the gallery and floor were equally crowded, and as soon as Mr. Speaker Bidwell had concluded, three cheers were given in the house, although never before had such a demonstration of public feeling been evinced.

I am perfectly confident that the whole country is disposed to rise up to support me, and I can assure your Lordship that I foresee no difficulty whatever in crushing the republican party, and in establishing loyalty, except a general fear which prevails throughout the country, that the Home Government will be afraid to support me.

I tell your Lordship the truth, for it is proper you should know that the reception which was given in England to Mr. Mackenzie has had the effect of cowering the loyalists, and of giving a false courage to the republicans.

One word of firmness from the British Government will now settle the question for ever; but if you hesitate to support me; if in your Lordship's reply to this despatch you encourage, by a single word, the republicans, they will instantly be reanimated, and will again utter their old cry against "the weak, trembling Government of Great Britain."

That they have mistaken British generosity for fear, no one is more persuaded than myself; but I earnestly entreat your Lordship to put confidence in me, for I pledge my character to the result. I solemnly declare to your Lordship that I have no difficulties to contend with here that I have not already overcome; the game is won; the battle is gained as far as relates to this country; and I cannot give your Lordship a more practical proof of it than by saying, I want no assistance, excepting the negative advantage of not being undermined at home.

I am not myself in the least afraid of your Lordship shrinking from supporting me; but if you knew the feeling of this country, you would pardon my telling you that the loyalists, being incapable of understanding the generous,

No. 1.

Sir F. B. Head to
Lord Glenelg.

liberal policy under which the Home Government have intended to act, mistrust it, and that the republicans firmly look to it for support.

In the present House of Assembly, which is composed of 60 members, five of whom only are English, five Irish, and nine Scotch, there are thirteen American members, many of whom have not only a distate for a monarchical government, and who are avowed advocates for the election of magistrates, legislative councillors, &c., but who are desirous to upset the constitution of this Province for the sake of reigning in its stead (for which see their incorrect accusations against me).

Many of these individuals attained their places by the encouragement which was given to Mr. Mackenzie in England; and now that I have succeeded in turning the tide, they will, I hope, sink for ever, and will be replaced by intelligent, loyal British subjects, if your Lordship will firmly support me.

Whether I may continue here or be replaced, is a subject I will not now discuss; but as long as I do remain here, and just at the present moment, it is of vital importance that I should retain the victory which has been won.

Upon Upper Canada, I conceive, hangs our possession of our North American, and possibly of our West Indian possessions; for if this colony be firmly secured, not only will the rest be maintained, but I believe every intelligent individual in the United States foresees, that democracy must ere long produce, by a revolution in that country, the identical form of government (I mean a monarchy) which it is endeavouring to overturn in this Province.

Your Lordship is aware I have had some experience in ascertaining the opinions of the lower classes in the mother country, and I have no hesitation in declaring that in no part of Great Britain does there exist so loyal a disposition as will be displayed in this Province, if we will only act towards it with firmness and decision.

I shall never regret the generous policy which attempted to produce here tranquillity by conciliation, for I at present owe to it my success; but my speech to the Legislature will prove to your Lordship that we can carry that policy no further; that to republicans the more we concede, the more they demand; that while they are pushing at the constitution, every inch of ground they gain redoubles their exertions; and that, on the contrary, if resistance be sternly offered to them, they give up the attempt and run away.

I fully expect that before a month has elapsed, the country will petition me to dissolve the present House of Assembly, but until the feeling is quite ripe, I shall not attend to it. I would therefore request your Lordship to send me no orders on the subject, but to allow me to let the thing work by itself; for it now requires no argument, as the stopping of the supplies, of the road money, and all other money bills, will soon speak for themselves, in a provincial dialect which everybody will understand.

The language contained in the 92 resolutions from Lower Canada, as well as in the resolutions they have lately forwarded to the Government, the language contained in the Grievance Report of this Province, in the petitions now forwarded by the House of Assembly of Upper Canada against me, and in Mr. Speaker Papineau's letter to Mr. Speaker Bidwell, are, in my humble judgment, subversive of all discipline, and totally irreconcilable with the allegiance due from its colonies to the British empire.

I feel quite confident that if such language be received by His Majesty's Government without a stern rebuke, it will be aggravated, and I therefore earnestly express my hope that your Lordship will deem it proper to reprobate the reception which, as the bearer of your remedial measures, I have met with by the House of Assembly, and that you will, by your expressions, firmly support me in the course I have pursued.

I have, &c.

(signed) *F. B. Head.*

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Enclosure 1, in No. 1.

PETITION of the HOUSE OF ASSEMBLY of UPPER CANADA.

TO THE KING'S MOST EXCELLENT MAJESTY.

Most Gracious Sovereign,

WE, Your Majesty's dutiful and loyal subjects, the Commons of Upper Canada in Provincial Parliament assembled, humbly approach Your Majesty with our renewed assurances of loyalty and attachment to Your Majesty's person and Government.

It is with pain we acknowledge how seldom it is we have to address Your Majesty in the unmixed language of gratitude and thankfulness, and we have noticed the difficulties, at this distance from Your Majesty's immediate care, which attend the fulfilment of the most benevolent intentions.

We have now to pray Your Majesty's patient and impartial attention to the history of our complaint, against a sudden, abrupt, and most ungracious denial by his Excellency, of those indispensable constitutional principles in our local government, the just preservation of which is, above all things, calculated to endear Your Majesty to Your Canadian people, and to strengthen the bond of union between this loyal and valuable portion of Your empire and the parent state.

The Report of a Select Committee of Your Majesty's faithful Canadian Commons, which has, after mature consideration, been adopted by this House, (and accompanies this Address,) will amply inform Your Majesty upon all particulars; and we regret it should necessarily contain disclosures to Your Majesty equally injurious to the interests and confidence of the people, and to the character of the royal station in this province. Under feelings of solicitude lest Your Majesty's royal ear should be prepossessed against us by those who have easier and secret access to Your Majesty and Your Majesty's Ministers, we have prayed the aid of Your Majesty's Imperial House of Commons, as will appear from the accompanying copy of our Memorial, in the hope that they will aid Your Majesty in extending to us speedy and effectual measures for the redress of our wrongs, and for the maintenance of the honour and dignity of the Crown.

Commons House of Assembly, }
18 April 1836.

(signed) *Marshall S. Bidwell,*
Speaker.

PETITION of the HOUSE OF ASSEMBLY of UPPER CANADA.

To the Honourable the Knights, Citizens, and Burgesses of the United Kingdom of Great Britain and Ireland, in Parliament assembled.

May it please Your Honourable House,

WE, His Majesty's dutiful and loyal subjects, the Commons of Upper Canada in Provincial Parliament assembled, after unavailing struggles for a series of years to obtain such an administration of our local affairs as would secure to the people of this province, possessing "the very image and transcript of the British Constitution," the blessings of good government, are at length driven to appeal to the wisdom, justice, and magnanimity of your Honourable House, in the hope that your powerful intercession with His Majesty may yet redeem us from a condition every day becoming more ruinous and alarming. We are not unacquainted with the overwhelming influence of station and weight of authority which will be brought to bear against our exertions to procure redress; and without the interposition of your Honourable House we entertain a fear, grounded on the experience of the past, that His Majesty's ear will be so abused by secret despatches and personal detractions as almost to set at defiance the best directed intentions of His Majesty to arrive at the truth. And we desire to add, as a further difficulty, an inveterate disposition to adhere to what is called the Colonial System, under which our present condition has been produced, instead of accommodating it, as both wisdom and justice require, to the changing state and increasing wealth and population of the country.

In answer to the Address of this House to His most gracious Majesty, in the late Session, upon the subject of our grievances, we received as our new Lieutenant-Governor, his present Excellency, Sir Francis Bond Head, who by message communicated to this House the instructions he had received from His Majesty's Government for his guidance. But these instructions leave us under the same unsatisfactory and injurious system that has heretofore prevailed; and we practically feel that the institutions of the country are so directed, their operations so abridged, and public functionaries so protected in misgovernment by their distance from their superiors, as to render illusive and abortive the most promising schemes framed in England for our amelioration. Upon the arrival of Sir Francis Bond Head to represent His most gracious Majesty among the constitutional authorities of the province we were disposed to entertain the happiest expectations, and when his Excellency from

Enclosure 1, in
No. 1.

Petition from the
House of Assembly
to The King.

Petition from the
House of Assembly
to The House of
Commons.

Enclosure 1, in
No. 1.

Petition from the
House of Assembly
to 'The House of
Commons.

the throne invited us to render him "that loyal, constitutional, unbiassed and fearless assistance, which your King expects, and which the rising interests of your country require;" and when we saw our often repeated dissatisfaction with the Executive Council removed, and the highest public confidence secured by the addition of the Hon. John Henry Dunn, Robert Baldwin and John Rolph, Esquires, we fully believed that we were about to enjoy under his Excellency the full benefit of our Charter, by a wise, impartial and constitutional administration of our affairs. The reign of universal thankfulness and tranquillity under this change of things was, we lament to state, of short duration. The country had always supposed that the Executive Council of the province from time to time appointed by His Majesty under the 31st Geo. 3, c. 31, to advise His Majesty and His representative upon the affairs of the province, actually discharged the important duties assigned to them by the constitution in consequence whereof all public odium of the mismanagement of our affairs has been heretofore visited on the Executive Council, while every Lieutenant-Governor has been acquitted upon the presumption of his being, as pleaded to us by Sir F. B. Head, "a stranger lately arrived among us," and therefore unintentionally misled by corrupt advisers. But it has now come to light that the Executive Council have been almost limited in their duties to a Land Board and Board of Audit, while the affairs of the province, so unsatisfactorily managed, seldom passed under their review or were submitted for their advice. It appears from the Appendix to this Memorial, to which we refer your Honourable House, and to which we earnestly pray a patient, candid and impartial regard, that the late Executive Council, composed of the whole Council with the aforesaid additions, after remaining three weeks in office under the old but concealed system of withholding from their advice the affairs of the province, addressed to his Excellency Sir F. B. Head the confidential representation hereto annexed, praying either that the affairs of the province might be systematically submitted for their advice, preparatory to his Excellency's final and discretionary action thereon, or that they might be allowed to disabuse the public respecting the nature and extent of the duties confided to them. And the need of this request must have been injuriously felt, from the fact, notorious to us and to the country, that every act of his Excellency's administration proved either that the late Council had betrayed public confidence, or that his Excellency followed the advice of uncertain, unsworn and irresponsible persons, neither possessing nor entitled to political confidence.

In the above constitutional, just and reasonable representation made to his Excellency in official confidence under oath, his Excellency made the reply also appended hereto, and concludes, after denying the constitutional origin and duties of the Council, with the assurance to his Council, "that his estimation of their talents and integrity as well as his personal regard for them remain unshaken, and that he is not insensible of the difficulties to which he will be exposed should they deem it necessary to leave him. At the same time, should they be of opinion that the oath they have taken requires them to retire from his confidence rather than from the principles they have avowed, he begs that on his account they will not for a moment hesitate to do so." Under these circumstances, the Council feeling themselves under the alternative of abandoning either their principles or their place, honourably chose the latter. The aforesaid representation and reply, his Excellency's Answer to us accompanying the same, and various other popular explanations given by his Excellency to the public, with the public proceedings on the same, together with various other documents connected with the subject, and the adopted Report of a Select Committee thereon, are all appended hereto for the more full information of your Honourable House, and the more ample communication of our wants and views. It is with pain, disappointment and humiliation, we notice the reiterated declaration of his Excellency to conduct our affairs without the advice of the Executive Council, according to his own will and pleasure, which his public acts have already proved to be arbitrary and vindictive. And this view of his own sole ministerial power and authority, with a nominal responsibility to Downing-street, he has sustained before the public by misstatements and misrepresentations so palpably opposed to candour and truth as to destroy all hopes of further justice from his government; all which is more fully set forth in the documents appended hereto. Since the registration of the late Council his Excellency has formed another, composed of Robert Baldwin Sullivan, Esq., and the Hon. William Allen, Augustus Baldwin, and John Elmsley; neither enjoying nor entitled to the political confidence of the people or their representatives. Upon the formation of this Council, although R. B. Sullivan, Esq. was sworn in and appeared to the public as Senior Councillor, upon whom, in the event of the death or absence of his Excellency, might devolve the administration of the government, yet a secret agreement was entered into, written in the Council Chamber by his Excellency himself, by which was to be defeated the apparent succession of the Senior Councillor to the administration of the government. This arrangement was denied by his Excellency to us in his answer to our Address on the subject; while on the other hand, the facts so derived are proved by the testimony of R. B. Sullivan, Esq. and the Hon. Captain Baldwin, both of whom are still retained by his Excellency in the Council. For other instances of his deviation from candour and truth, as well as of his utter unacquaintance with the nature of our constitution and the mode in which it should be administered, we refer to the appended documents, wherein are also detailed other grievances of an urgent and serious nature, to all of which we humbly pray the serious, speedy and impartial attention of your Honourable House. Being denied the beneficial and constitutional operation of our local institutions for the management of our local affairs; being threatened with the exercise of the unadvised, arbitrary government of his Excellency, virtually irresponsible, and being satisfied

AFFAIRS OF UPPER CANADA.

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fied that nothing but an open, entire and honourable abandonment of this policy, equally unconstitutional and pernicious, will ever restore our peace, welfare and good government, we have, in justice to the people, whose civil and religious interests we are solemnly bound fearlessly to vindicate, been obliged, as a last resort, to stop (most reluctantly) the supplies; and for the attainment of redress in these and other matters contained in the appended Report, we pray the aid of your Honourable House.

Enclosure 1, in
No. 1.

Petition from the
House of Assembly
to The House of
Commons.

And, as by inclination and by duty we are led and bound to do, we shall ever pray.

Commons House of Assembly, }
18 April 1836.

(signed) Marshall S. Bidwell,
Speaker.

COPY of a LETTER from Capt. A. Baldwin to Lieut.-Governor Sir F. B. Head, intended to correct an error with reference to his Evidence before the Select Committee of the House of Assembly, into which the Committee appear to have fallen in taking down his words relative to the Executive Council.

Letter from
Captain Baldwin
to the Lieutenant-
Governor.

Sir,

Russell Hill, April 26th, 1836.

ON looking over the Correspondent and Advocate Newspaper of the 21st April, I observed a statement of my evidence before a Committee of the House of Assembly on the late change in the Executive Council, as appended to the Report of that Committee, and seeing that the Committee must have misunderstood my answers in some points, and that they are not stated correctly, I beg leave to address your Excellency on the subject, lest any misunderstanding should arise with regard to the facts as they actually happened.

To the question put to me, "At whose suggestion was the paper drawn up?" I said "I believed at Mr. Elmsley's," and not, as stated, "At Mr. Elmsley's."

I did not state that the paper was drawn up "in the Executive Council Chamber," but that "it was written in the office of the Clerk;" for we did not go to the Council Chamber till we were called in one by one to be sworn.

I have, &c.
(signed) A. Baldwin.

FOUR ADDRESSES of the HOUSE of ASSEMBLY of UPPER CANADA to the Lieut.-Governor for Money on account of the Contingencies of the Session of 1836.

Addresses from the
House of Assembly
to the Lieutenant-
Governor.

To his Excellency Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant-Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

WE, His Majesty's dutiful and loyal subjects, the Commons of Upper Canada in Provincial Parliament assembled, humbly request that your Excellency would be pleased to issue your warrant on the Receiver-General in favour of the Speaker of this House for 1,000 £, in part to defray the contingent expenses of this House, which sum we will make good during the present Session.

Commons House of Assembly, }
10 Feb. 1836.

(signed) Marshall S. Bidwell,
Speaker.

Gentlemen,

I SHALL have pleasure in complying with the request contained in your Address of this day.

To his Excellency Sir Francis Bond Head, К.С.Н., &c. &c. &c.

May it please your Excellency,

WE, His Majesty's dutiful and loyal subjects, the Commons of Upper Canada in Provincial Parliament assembled, humbly request that your Excellency would be pleased to issue your warrant on the Receiver-General in favour of the Speaker of this House for 1,000 £, in part to defray the further contingent expenses of this House, which sum we will make good during the present Session.

Commons House of Assembly, }
10 March 1836.

(signed) Marshall S. Bidwell,
Speaker.

Gentlemen,

I SHALL be happy to comply with the request contained in your Address.

Enclosure 1, in
No. 1.
Addresses from the
House of Assembly
to the Lieutenant-
Governor.

To his Excellency Sir *Francis Bond Head*, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant-Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

WE, His Majesty's dutiful and loyal subjects, the Commons of Upper Canada in Provincial Parliament assembled, humbly request that your Excellency will be pleased to issue your warrant on the Receiver-General in favour of the Speaker of the House of Assembly for the sum of 2,000 *l.*, to defray in part the further contingent expenses of the present Session, which sum we will make good during the same.

Commons House of Assembly, } (signed) *Marshall S. Bidwell*,
14 April 1836. } Speaker.

Gentlemen,

As the Legislature is to be prorogued on Wednesday next, I regret exceedingly that I cannot deem it advisable to comply with the request contained in this Address.

To his Excellency Sir *Francis Bond Head*, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant-Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

WE, His Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly request your Excellency will be pleased to issue your warrants to the Receiver-General of this province, in favour of Grant Powell, Esq., Clerk to the Honourable the Legislative Council, for the sum of 1,740 *l.*

Of Stephen Jarvis, Esq., Gentleman Usher of the Black Rod, for certain contingent expenses of the Honourable the Legislative Council during the present Session, for the sum of 329 *l.* 5 *s.*

Of James Fitzgibbon, Esq., Clerk of the House of Assembly, for the sum of 5,864 *l.* 1 *s.* 8½ *d.*, to pay the contingent expenses of his office for the present Session and late recess.

Of David A. McNab, Esq., Serjeant-at-Arms, for the sum of 561 *l.* 14 *s.* 11 *d.*, to enable him to pay certain contingent expenses of the House of Assembly for the present Session.

Which sums His Majesty's faithful Commons will make good during the next Session of Parliament.

Commons House of Assembly, } (signed) *Marshall S. Bidwell*,
20 April 1836. } Speaker.

Contingencies - - - - - £.8,496 1 *s.* 7 *d.*

Item.—Of the above contingencies asked for, 2,700 *l.* were, I have been informed, intended to pay Mr. O'Grady, the Editor of the "Correspondent and Advocate," and other presses patronized by the House, for the dissemination of 5,000 copies of their report, and for similar purposes.

Gentlemen,

I REGRET that the course taken by the House of Assembly in refusing to entrust me with the money for the province for the purpose of carrying on the ordinary affairs of government for the current year, forbids such a confidence on my part as your request involves.

Enclosure 2, in No. 1.

Copy of Lieutenant-Governor Sir *F. B. Head's* Speech on closing the Session of the Legislature of Upper Canada, on the 20th of April 1836.

Enclosure 2, in
No. 1.

Lieut.-Governor's
Speech on closing
the Session.

Honourable Gentlemen of the Legislative Council: and

Gentlemen of the House of the Assembly:

BEFORE I release you from the legislative duties in which you have been respectively engaged, I consider it necessary to recapitulate the principal events of this Session.

You are perfectly aware that for many years the House of Assembly of Upper Canada have loudly complained of what they term their "grievances," and that at the end of your last Session these complaints having been referred to a "Committee of Grievances," were, by the Assembly, "ordered to be printed in pamphlet form." In pursuance of this order a volume, containing 570 pages, was forwarded to, and received by His Majesty's Government, as containing the sum total of the complaints of the people of this province.

Whether the mere order for printing this report of the Committee could be legally considered as sanctioning it with their opinions, I have no desire to discuss; because no sooner did the said report reach His Majesty's Government, than it was determined that the grievances it detailed should immediately be effectually corrected; and, accordingly, instructions were drawn out by His Majesty's Secretary of State for the Colonies, in which each subject of complaint was separately considered, and a remedy ordered for its correction: and I have only to refer to those Instructions to prove the generosity with which His Majesty overlooked certain language contained in the report, and the liberality with which he was graciously pleased to direct that impartial justice should be administered to His subjects in this province.

His Majesty's Government having determined that I should be selected to carry these remedial measures into effect, I waited upon the Colonial Secretary of State, (to whom, as well as to almost every other member of the Government, I was a total stranger,) and respectfully begged leave to decline the duty, truly urging as my reason, that having dedicated my whole mind to a humble but important service, in which I was intently engaged, it was more congenial to my disposition to remain among the yeomanry and labouring classes of my own country, than to be appointed to the station of Lieutenant-Governor of Upper Canada. His Majesty's Government having been pleased to repeat their request, I felt it impossible not to accede to it; and I accordingly received the instructions which had been framed; and having had the honour of an interview with His Majesty, during which, in an impressive manner which I can never forget, he imposed upon me His royal commands to do strict justice to his subjects in this province, I left England with a firm determination to carry the remedial measures with which I was entrusted into full effect.

I arrived at this capital on the 23d of January last, and on the 27th I delivered a speech, in which I informed you I would submit in a message the answer which His Majesty had been pleased to give to the several addresses and representations which proceeded from the two branches of the legislature during the last Session. I added, that as regarded myself, I had nothing either to promise or profess, but that I trusted I should not call in vain upon you for that assistance which your King expected, and which the rising interests of your country required.

In thus officially coming before the legislature of this country from our gracious Sovereign, with a full measure of reform, I had expected that my appearance would have been hailed and welcomed by both Houses of the Legislature, more especially by that from which had proceeded the Grievance Report; and I must own, I never anticipated it could seriously be argued for a moment that I was intruding upon the privileges of either House.

Having made myself acquainted with the outline of public feeling in this province, by conversing calmly with the men of most ability of all parties, I communicated the result to Lord Glenelg, in despatches, dated the 5th of February, of which the following are extracts:

"Under these circumstances, I consider that the great danger I have to avoid is the slightest attempt to conciliate any party; that the only course for me to adopt is, to act fearlessly, undisguisedly, and straightforwardly for the interests of the country; to throw myself on the good sense and good feeling of the people, and abide a result which I firmly believe will eventually be triumphant."

"Whatever may be the result, I shall steadily and straightly proceed in the course of policy I have adopted: I shall neither avoid, nor rest upon any party; but after attentively listening to all opinions, I will, to the best of my judgment, do what I think honest and right; firmly believing that the stability of the throne, the interests of this province, and the confidence of the people, can now only be secured by such a course."

Enclosure 2, in
No. 1.

—
Lieut.-Governor's
Speech on closing
the Session.

To the Speakers of both Houses, as well as to many intelligent individuals with whom I conversed, I declared my sincere determination to do justice to the people of this province. It was, however, with deep regret I observed, that from the House of Assembly I did not immediately obtain the assistance I expected in carrying the instructions of His Majesty's Government into effect; for I received various addresses requesting papers and information which I feared might excite troublesome and by-gone discussion.

On the 5th of February I received an address of this nature, to which, in as conciliatory a tone as possible, I replied at considerable length; and being now determined to urge, and, if possible, to lead the House of Assembly on towards reform, I concluded my reply in the following words:

"The Lieutenant-Governor takes this opportunity of appealing to the liberality and good sense of the House of Assembly for consideration; that as a stranger to this province, totally unconnected with the political differences which have existed in the mother country, he has lately arrived here, entrusted by our most gracious Sovereign with instructions, the undisguised object of which is, firmly to maintain the happy constitution of this country inviolate; but to correct cautiously, yet effectually, all real grievances.

"The House of Assembly is deeply interested in the importance and magnitude of the task he has to perform; and he is confident it will, on reflection, be of opinion, that the Lieutenant-Governor of this province had better look steadily forward to its future prosperity and improvement; that he had better attract into Upper Canada the superabundant capital and population of the mother country by encouraging internal peace and tranquillity, than be observed occupying himself solely in reconsidering the occurrences of the past.

"The Lieutenant-Governor does not assert that the latter occupation is totally useless; but he maintains that the former is by far the more useful, and that to attend to both is impossible."

This appeal did not produce the effect I had anticipated; but I received another address from the House of Assembly in behalf of eight Indians of the Wyandot tribe; and I had scarcely entered this new and questionable ground, when a counter-petition was forwarded by eleven members of the same tribe, in which they spontaneously declared, "We have the fullest confidence in the justice and fatherly protection of our beloved Sovereign and his representative the Lieutenant-Governor."

Another new set of grievances was now brought forward by the House of Assembly, in the form of an Address to the King on Trade and Commerce, which I immediately forwarded to His Majesty's Government, although the principal complaints in the Grievance Report still remained unnoticed and unredressed.

During these discussions I purposely refrained from having much communication with the old supporters of the government; because I was desirous to show those who termed themselves reformers, that I continued, as I had arrived, unbiassed and unprejudiced; and desiring to give them a still further proof that I would go any reasonable length to give fair power to their party, I added three gentlemen to the Executive Council, all of whom were avowed reformers.

With the assistance of these gentlemen—with His Majesty's instructions before us—and with my own determination to do justice to the inhabitants of this country, I certainly considered that the triumph of the reform which had been solicited was now about to be established, and that the grievances under which the people of this province were said to labour would consecutively be considered and redressed. But, to my utter astonishment, these gentlemen, instead of assisting me in reform, before they were a fortnight in my service, officially combined together in an unprecedented endeavour to assume the responsibility I owed to the people of Upper Canada as well as to our Sovereign, and they concluded a formal document which they addressed to me on this subject, by a request that if I deemed such a course not wise or admissible, they, who had been sworn before me to secrecy, might be allowed to address the people! and I must own, that the instant this demand reached me, I was startled, and felt it quite impossible to assent to the introduction of new principles, which, to my judgment, appeared calculated to shake the fabric of the constitution, and to lead to revolution instead of reform.

Without discussing the arguments of the Council, I will simply observe, that had I felt ever so much disposed to surrender to them my station of Lieutenant-Governor and to act subserviently to their advice; had I felt ever so willing obediently to dismiss from office whomsoever they should condemn, and to heap patronage and preferment upon whomsoever they might recommend; had I felt it advisable to place the Crown lands at their disposal, and to refer the petitions and personal applications of the inhabitants of the remote counties to their decision; I possessed neither power nor authority to do so. In fact, I was no more able to divest myself of responsibility, than a criminal has power to divert from himself upon another the sentence of the law; and though, under the pretence of adhering to what is called "the image and transcript" of the British Constitution in this province, it was declared that the Executive Council must be regarded as a *cabinet*, I had no more power to invest that body with the attributes of a cabinet than I had power to create myself
King

King of the province—than I had power to convert the Legislative Council into an hereditary nobility; or than I had power to decree that this *Colony* of the British Empire should henceforward be a KINGDOM.

Enclosure 2, in
No. 1.

From total inability, therefore, as well as from other reasons, I explained to my Council, in courteous language, that I could not accede to their views; and it being evidently necessary for the public service that we should separate, I felt it was for them rather than for me to retire. I received their resignations with regret; and, that I entertained no vindictive feelings, will be proved by the fact, that I immediately wrote to Lord Glenelg, begging his Lordship most earnestly not to dismiss from their offices any of these individuals on account of the embarrassment they had caused to me.

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Speech on closing
the Session.

On the day the Council left me I appointed in their stead four gentlemen of high character, entitled by their integrity and abilities to my implicit confidence; and with their assistance I once again determined to carry promptly into effect those remedial measures of His Majesty's Government which had been solicited by the Grievance Report.

However, a new and unexpected embarrassment was now offered to me by the House of Assembly, who, to my astonishment, not only requested to be informed of the reasons why my Executive Council had resigned, but who, I have learned, actually suspended all business until my reply was received!

As the Lieutenant-Governor of this Province is authorized by His Majesty, in case of death or resignation, to name, *pro tempore*, the individuals he may think most proper to appoint to his Council, I might constitutionally, and perhaps ought to have declined to submit to either branch of the legislature my reasons for exercising this prerogative; but actuated by the earnest desire, which I had uniformly evinced, to comply with the wishes of the House of Assembly, I transmitted to them the correspondence they desired, with a conciliatory message, which ended as follows:

"With these sentiments, I transmit to the House of Assembly the documents they have requested, feeling confident that I can give them no surer proof of my desire to preserve their privileges inviolate than by proving to them that I am equally determined to maintain the rights and prerogatives of the Crown, one of the most prominent of which is that which I have just assumed, of naming those Councillors in whom I conscientiously believe I can confide.

"For their acts I deliberately declare myself to be responsible, but they are not responsible for mine, and cannot be, because, being sworn to silence, they are deprived by this fact as well as by the constitution, of all power to defend themselves."

The House of Assembly referred the whole subject to a Committee, which, contrary to customary form, made its existence known to me by applying directly to me, instead of through the House, for other documents and informations, which I immediately forwarded, without objecting to the irregularity of the application; and the House, to my great surprise, prematurely passed its sentence upon the subject in an address, in which it declared to me its "deep regret that I had consented to accept the tender of resignation of the late Council."

The following extract from my reply to this unexpected decision will sufficiently explain the amicable desire I still entertained to afford all reasonable satisfaction.

"The whole correspondence I forward to the House of Assembly, with an earnest desire that, regardless of my opinion, the question may be fairly discussed.

"In the station I hold I form one branch out of three of the legislature; and I claim for myself freedom of thought as firmly as I wish that the other two branches should retain the same privilege.

"If I should see myself in the wrong I will at once acknowledge my error; but if I should feel it my duty to maintain my opinion, the House must know that there exists a constitutional tribunal competent to award its decision, and to that tribunal I am ever ready most respectfully to bow.

"To appeal to the people is unconstitutional as well as unwise—to appeal to their passions is wrong; but on the good sense of the House of Assembly I have ever shown a disposition to rely, and to their good sense I still confidently appeal."

Having thus thrown myself upon the integrity of the House of Assembly I might reasonably have expected that a favourable construction would have been placed upon my words and acts, and that the disposition which I had evinced to afford the most ample information, and to meet, as far as my duty would admit, the expectations and desires of the Assembly, would have been duly appreciated; the events, however, which soon after transpired, and the addresses which were presented to me in this city and from other places in the vicinity, conveyed to me the unwelcome information that efforts were being made, under the pretence of "the constitution being in danger," to mislead the public mind, and to induce a belief that I, as Lieutenant-Governor, had declared an opinion in favour of an arbitrary and irresponsible government, that I had shown an entire disregard of the sentiments and feelings of the people whom I had been sent to govern, and that, therefore, the inhabitants of this country could never be contented or prosperous under my administration. Several petitions, purporting to be addressed to the House of Assembly and apparently forwarded by members of that House to individuals in the country, with a

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view to obtain signatures, having been returned to the Government Office, I had ample opportunities of becoming acquainted with the fact that there existed an intention to embarrass the government by withholding the supplies, and that even the terms had been prescribed to the people of the province in which they were expected to address their representatives for that object.

Now it will scarcely be credited that while I was thus assailed, while placards declared that the constitution was in danger, merely because I had maintained that the Lieutenant-Governor, and not his Executive Council, was responsible for his conduct, there existed in the Grievance Report the following explanation of the relative duties of the Lieutenant-Governor and of his Executive Council.

"It appears," say the Grievance Committee, "that it is the duty of the Lieutenant-Governor to take the opinion of the Executive Council only in such cases as he shall be required to do so by his instructions from the Imperial Government, and in such other cases as he may think fit. It appears by the following transactions that the Lieutenant-Governors only communicate to the Council so much of the private despatches they receive from the Colonial Office as they may think fit, unless in cases where they are otherwise specially instructed."

Gentlemen of the House of Assembly :

Having at your request transmitted to you the correspondence which passed between my late Executive Council and myself, and having reminded you that there existed "a constitutional tribunal competent to award its decision, and that to that tribunal I was ever ready most respectfully to bow," it is with surprise I learn that you have deemed it necessary to stop the supplies.

In the history of Upper Canada this measure has, I believe, never before been resorted to; and as I was the bearer of His Majesty's especial instructions to examine and, wherever necessary, to correct the "grievances" detailed in your report of last Session, I own I did not expect to receive this embarrassment from your House.

The effect of your deliberate decision will be severely felt by all people in the public offices, by the cessation of improvement in your roads, by the delay of compensation to sufferers in the late war, and by the check of emigration.

In the complaints you have made to His Majesty against me (in which you declare that my "ear is credulous," my "mind poisoned," my "feelings bitter," that I am "despotic," "tyrannical," "unjust," "deceitful," that my conduct has been "derogatory to the honour of the King," and "demoralizing to the community," and that I have treated the people of this province as being "little better than a country of rogues and fools"), you have availed yourselves of a high legislative privilege entrusted to you by your constituents, to the exercise of which I have consequently no constitutional objection to urge, but for the honour of this province in which I, though unconnected with the country, am as deeply interested as its inhabitants, I cannot but regret that while I was receiving from all directions the most loyal addresses, you, in your legislative capacity, should have characterized His Majesty's Government, which has lately acted towards Upper Canada so nobly and disinterestedly, by the expression of "Downing-street Law."

Honourable Gentlemen, and Gentlemen :

Having now concluded an outline of the principal events which have occurred during the present Session, I confess that I feel disappointed in having totally failed in the beneficial object of my mission.

I had made up my mind to stand against the enemies of reform, but I have unexpectedly been disconcerted by its professed friends. No liberal mind can deny that I have been unnecessarily embarrassed; no one can deny that I have been unjustly accused; no one can deny that I have evinced an anxiety to remedy all real grievances, that I have protected the constitution of the province, and that by refusing to surrender at discretion the patronage of the Crown to irresponsible individuals I have conferred a service on the back-woodsman, and on every noble-minded Englishman, Irishman, Scotchman, and U. E. loyalist, who, I well know, prefer British freedom and the British Sovereign to the family domination of an irresponsible cabinet.

It now only remains for me frankly and explicitly to declare the course of policy I shall continue to adopt as long as I may remain the Lieutenant-Governor of this province, which is as follows :

I will continue to hold in my own hands, for the benefit of the people, the power and patronage of the Crown, as imparted to the Lieutenant-Governor of this province by the King's instructions; I will continue to consult my Executive Council upon all subjects on which, either by the Constitutional Act or by the King's instructions, I am ordered so to do, as well as upon all other matters in which I require their assistance. I will continue to hold myself responsible to all authorities in this country, as well as to all private individuals, for whatever acts I commit, either by advice of my Council or otherwise, and will continue calmly and readily to afford to all people every reasonable satisfaction in my power. I will use my utmost endeavours to explain to the people of this province that they want only wealth and population to become one of the finest and noblest people on the

the globe, that union is strength, and that party spirit produces weakness, that they should consequently forgive and forget political as well as religious animosity, and consider as their enemies only those who insidiously promote either; that, widely scattered as they are over the surface of this extensive country, they should recollect with pride the brilliant history of "the old country," from which they sprung, and, like their ancestors, they should firmly support the British standard, which will ever afford them freedom and disinterested protection; that by thus tranquillizing the province, the redundant wealth of the mother country will irrigate their land, and that her population will convert the wilderness which surrounds them into green fields; that an infusion of wealth would establish markets in all directions, as well as good roads, the arteries of agriculture and commerce; that plain, practical education should be provided for the rising generation, as also the blessings of the Christian religion, which inculcates "Glory to God in the highest, and on earth peace, goodwill towards men."

Taking every opportunity of offering these recommendations to the inhabitants of this province, I shall in no way attempt to enforce them; on the contrary, I shall plainly promulgate that if the yeomanry and farmers of Upper Canada are not yet sufficiently tired of agitation, if they do not yet clearly see what a curse it has been to them, it will be out of my power to assist them; that if they insist on turning away the redundant wealth as well as the labourers of the mother country to the United States, I shall be unable to prevent them; in short, that if they actually would rather remain as they are than become wealthy, as they might be, my anxiety to enrich them must prove fruitless.

On the other side, whenever they shall be disposed to join heart and hand with me in loyally promoting the peace and prosperity of the province, they shall find me faithfully devoted to their service. In the meanwhile I will carefully guard the constitution of the country, and they may firmly rely that I will put down promptly, as I have already done, the slightest attempt to invade it.

With inward pleasure I have received evidence of the invincible re-action that is hourly taking place in the public mind, and for the sake of the province rather than for my own I hail the manly British feeling which in every direction I see, as it were, rising out of the ground, determined to shield me from insult, and to cheer and accompany me in my progress towards reform.

I have detained you longer than is customary, but the unprecedented events of this Session have made it necessary to do so.

Enclosure 2, in
No. 1.

Lieut.-Governor's
Speech on closing
the Session.

Enclosure 3, in No. 1.

UPPER CANADA.

ADDRESSES from different parts of the Province to Lieutenant-Governor
Sir Francis Bond Head, K.C.H., referred to in the accompanying Despatch.

Addresses from
the Provinces to
Lieut.-Governor.

	Signatures.
1. City of Toronto - - - - -	1,640
2. County of Hastings - - - - -	716
3. District of Niagara - - - - -	754
4. District of Prince Edward - - - - -	864
5. Kingston, and vicinity - - - - -	570
6. Newmarket, and vicinity - - - - -	114
7. Town of Niagara - - - - -	96
8. Youge Street - - - - -	155
9. Township of Ancaster - - - - -	147
10. Township of Stamford - - - - -	192
11. Bytown, two addresses - - - - -	281
12. Township of Georgina - - - - -	60
13. Township of Guelph - - - - -	167
14. Peterboro', and vicinity - - - - -	1,026
TOTAL - - - - -	6,782

(No. 1.)

To his Excellency Sir Francis Bond Head, K.C.H., &c. &c. &c., Lieut.-Governor of
Upper Canada, &c. &c.

May it please your Excellency,

WE, the undersigned inhabitants of the city of Toronto and its immediate vicinity, beg leave to express to your Excellency our deep regret at the difficulties which have recently arisen on the subject of the constitutional duties of the Executive Council of this province.

We view with the strongest feelings of disapprobation and indignation the efforts which have recently been made and are now making to take advantage of these difficulties, for the purpose of embarrassing your Excellency in the administration of the government of this province

Enclosure 3, in
No. 1.

Addresses from
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province, and for the purpose of creating an excitement and disturbance in the colony which is calculated to produce the most injurious and fatal effects, and to be subversive of the peace, welfare, and good government of the country.

We feel the highest satisfaction at the sentiments expressed by His Majesty's Government on the affairs of the colony, as contained in the royal instructions to your Excellency, which were laid before the legislature immediately after your arrival in this city.

We have the highest confidence in the talents and integrity of your Excellency, and in the sincerity of your repeatedly declared desire to carry into effect the liberal intentions of His Majesty's Government towards the people of this province, and we view with unqualified admiration the candour, the conciliatory manner, and the manly firmness with which your Excellency has met the demonstrations which have recently been made to embarrass your Excellency in the administration of your government, and to create an excitement and disturbance in this prosperous and highly favoured country.

Ardently attached to the Government and institutions of the great empire of which these colonies have the advantage of being an integral part, we are determined by all lawful means in our power to preserve and perpetuate the connexion, and to oppose and counteract every effort which may now be making, or which hereafter may be made, either openly or insidiously, to dissolve or weaken that connexion, and to introduce into the institutions of this province changes which are incompatible with the principles of the British form of Government.

Convinced that the prerogatives of the Crown are only a sacred trust for the protection of the rights and liberties of the people, and that by sustaining the one we are taking the most effectual means of securing the other, we beg to assure your Excellency that we shall make use of all lawful and constitutional exertions to uphold your Excellency in the administration of the government of this province, and to support you in your determination to carry into effect the liberal intentions of His Majesty's Government towards the people of this colony.

Number of signatures attached to this Address - - - 1,640.

(No. 2.)

To his Excellency Sir *Francis Bond Head*, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieut.-Governor of the Province of Upper Canada, &c. &c. &c.

WE, the inhabitants of the county of Hastings, have seen the correspondence lately published between the late Executive Council and your Excellency, and have read with pleasure your Excellency's determined, talented and firm arguments in that correspondence relative to the charter of our liberties, our Constitutional Act, and cannot but express our regret at the premature and hasty resignation of said Councillors, particularly at a moment when your Excellency was preparing for their consideration measures of reform for the better administration of good government in this province, and would beg your Excellency still to continue in the same resolution of upholding and supporting the best interests of our agriculturists and advancing the prosperity of our province.

Number of signatures attached to this Address - - - 716.

(No. 3.)

To his Excellency Sir *Francis Bond Head*, Lieutenant-Governor of Upper Canada,
&c. &c. &c.

May it please your Excellency,

WE, the undersigned inhabitants of the district of Niagara, who profess loyalty to our Sovereign, deem it our duty to come forward at the present crisis of affairs in this province, and declare our attachment to the constitution of the country, and approval of the conduct of the representative of our King.

We have read the document signed by the late Executive Council to your Excellency, and your Excellency's reply. We have also read the Petition of the Council of the City of Toronto to your Excellency, and your Excellency's answer thereto. We now do most willingly and cheerfully come forward to record our approbation of the firmness of character exhibited by your Excellency; and we are pleased to hear that your Excellency will "maintain the happy constitution of the country inviolate," and will "cautiously, yet effectually, correct all real grievances." We are also pleased to find that your Excellency consults the "interests of the farmer," in preventing the patronage of the province passing into the hands (which it would do) "of a few families, which might possibly promote their own views to the rejection of the interests of the distant counties."

We regret that any differences should have arisen between your Excellency and the Executive Council at this time; but we hesitate not to declare, that we approve of the conduct of your Excellency; and we believe that if those invested with power would lay aside all private feelings, and "forgive and forget" all political animosity, that His Majesty's wishes, as expressed in your instructions, would be promptly executed.

Number of signatures attached to the Address - - - 754.

{No.

AFFAIRS OF UPPER CANADA.

21

(No. 4.)

Enclosure 3, in
No. 1.

To his Excellency Sir *Francis Bond Head*, К. С. Н., Lieutenant-Governor of the Province of Upper Canada, &c. &c. &c.

Addresses from
the Provinces to
Lieut.-Governor.

WE, His Majesty's loyal and devoted subjects, the inhabitants of the district of Prince Edward, in approaching your Excellency, beg leave to express in the most unequivocal manner, our firm attachment to the King and constitution, and to the continuance of our connexion with the mother country, a connexion which has raised this province to its present prosperous and flourishing condition.

We fully coincide with your Excellency in your interpretation of the Constitutional Act; and are convinced had you yielded to the demands of your late Executive Council, and transferred to them the power and responsibility which are invested in yourself, your thus consenting to place the patronage of the Crown in the hands of a few leading individuals, would bring about a change injurious to the best interests of both Crown and people.

Impressed with these sentiments, we rejoice to know that your Excellency has expressed your firm determination to maintain inviolate the constitution of this province, and, at the same time, to proceed in the reformation of any abuse that may exist, and fully relying on these your Excellency's determination,

We have the honour to be, &c.

Number of signatures attached to this Address - - 864.

(No. 5.)

To his Excellency Sir *Francis Bond Head*, Knight Commander of the Royal Guelphic Order of Hanover, and of the Prussian Order of Merit, Lieutenant-Governor of the Province of Upper Canada, &c. &c. &c.

WE, His Majesty's faithful and loyal subjects, inhabitants of the town and township of Kingston, in the midland district, most respectfully crave leave to address your Excellency at this time of political agitation.

Assembled in general meeting duly convened, we beg to assure your Excellency that we view the increase and prosperity of this province as mainly attributable to its connexion with the parent state, and that our duty, as well as our interests require, that such connexion should be defended at all hazards.

That we owe allegiance to His Majesty, and obedience to those prerogatives with which the constitution has invested him for the good of the people.

That while Upper Canada continues to be a British colony, the Lieutenant-Governor as the representative of, and responsible to His Majesty, is, by the Act of 31 Geo. 3, made wholly and solely responsible for the acts of his government, and that it was never contemplated by that Act to invest an Executive Council with such responsibility.

That while we perceive with regret the differences which have occurred between your Excellency and the late Executive Council, we cannot but rejoice at your determination to uphold the present constitution, assured that while you preserve the prerogatives of the Crown, you will maintain inviolate the rights and liberties of the people.

That during the short period since your Excellency's accession to the government of this province, your upright, manly and uncompromising conduct has been such as to call forth the respect of all classes of His Majesty's subjects in this province, and to assure them, that your Excellency is eminently qualified and manifestly desirous to promote the true interests of this rapidly rising portion of His Majesty's empire.

May your Excellency long continue to rule over us with the candour and honesty, the firmness and dignity which has already characterised your administration of the government of this province.

Kingston, 30th March 1836.

Number of signatures attached to this Address - - 570.

(No. 6.)

To his Excellency Sir *Francis Bond Head*, К. С. Н., &c. &c. &c., Lieutenant-Governor of Upper Canada, &c. &c. &c.

May it please your Excellency,

WE, the undersigned inhabitants of the village of Newmarket and the adjacent country, beg leave to express to your Excellency our deep regret at the difficulties which have recently arisen on the subject of the constitutional duties of the Executive Council of this province.

We view, with the strongest feelings of disapprobation and indignation, the factious efforts which have recently been made, and are now making, to take advantage of those difficulties for the purpose of embarrassing your Excellency in the administration of the government of this province, and for the purpose of creating an excitement and disturbance in the colony,

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which is calculated to produce the most injurious effects, and to be subversive of the peace, welfare and good government of the country.

We feel the highest satisfaction at the sentiments expressed by His Majesty's Government on the affairs of this colony, as contained in the royal Instructions to your Excellency, which were laid before the legislature immediately after your arrival in the city of Toronto.

We have the highest confidence in the talents and integrity of your Excellency, and in the sincerity of your repeatedly declared desire to carry into effect the liberal intentions of His Majesty's Government towards the people of this province; and we view with unqualified admiration the candour, the conciliatory manner, and the manly firmness with which your Excellency has met the factious demonstrations which have recently been made to embarrass your Excellency in the administration of your government, and to create an excitement and disturbance in this prosperous and highly favoured country.

Ardently attached to the government and institutions of the great empire of which these colonies have the advantage of being an integral part, we are determined, by all lawful means in our power, to preserve and perpetuate that connexion, and to oppose and counteract every effort which may now be making, or which hereafter may be made, either openly or insidiously, to dissolve or weaken that connexion, and to introduce into the institutions of this province changes which are incompatible with the principles of the British form of Government.

Convinced that the prerogatives of the Crown are only a sacred trust for the protection of the rights and liberties of the people, and that by sustaining the one we are taking the most effectual means of securing the other, we beg to assure your Excellency that we shall make use of all lawful and constitutional exertions to uphold your Excellency in your administration of the government of this province, and to support you in your determination to carry into effect the liberal intentions of His Majesty's Government towards the people of this colony.

Number of signatures attached to this Address - - 114.

(No. 7.)

To his Excellency Sir *Francis Bond Head*, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant-Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

WE, the inhabitants of the town of Niagara, subjects firmly attached to the parent empire, and appreciating the blessings of the British constitution, beg leave respectfully to address your Excellency at the present political crisis.

The limited experience we have had of your past administration in this colony convinces us that Upper Canada has acquired in you an uncompromising representative of His Majesty, and we sincerely trust that no schism in your Councils, nor undue interference from any quarter, will ever divert you from those defined constitutional principles you have already adhered to for the credit of the country, the lasting honour of yourself, and the dignity of His Majesty's Crown.

In the present political strife, we consider ourselves called upon as subjects of His Majesty, and firmly attached to his supremacy, and those principles consolidated in the colonial constitution, to express our undisguised sentiments.

We have recently had called to our attention the appointment of your first Executive Council, and we consider that you correctly exercised the prerogative that is vested in you, and that in accepting their resignation, and calling other individuals to your cabinet, you evinced a discretion and dignity worthy of your exalted situation.

We are well assured that at present there exists no excited state of public feeling in this district, nor, to any alarming extent, elsewhere, occasioned by the proceedings between your Excellency and your Council.

We sincerely regret that the measures of conciliation suggested, and the unwearied parental forbearance exercised on the part of the British Government, through His Majesty's representatives in both provinces, for our mutual prosperity, should have been so unfortunately misplaced, and those remedial measures recommended for our benefit paralyzed in their effect.

We ever desire to see the Constitutional Act of this colony upheld by the King, and shielded by the people, from all vital innovations in its original spirit, and transmitted unimpaired to latest posterity.

In conclusion, we, the inhabitants of this town, the first established in this colony, and sufficiently tried for loyalty and sufferings, beg leave to express our admiration of that decisive course your Excellency has adopted in the recent difficulties you have contended with, in reconciling public opinion, and resisting any improper interference; and we unanimously declare ourselves pledged with our influence and hearts to serve King and country, and persevere in maintaining an administration based so firmly on constitutional principles.

Number of signatures attached to this Address - - 96.

(No.

AFFAIRS OF UPPER CANADA.

23

(No. 8.)

To his Excellency Sir *Francis Bond Head*, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant-Governor of the Province of Upper Canada, &c. &c. &c.

Enclosure 3, in
No. 1.

WE, the loyal inhabitants of Youge Street, sensible of the many distinguished privileges we enjoy by our connexion with the British empire, beg leave hereby to tender you our most sincere thanks for, and approbation of, your very independent and faithful conduct since assuming the government of this happy and thriving colony; and particularly for the able, clear, and distinct manner in which you have elucidated the nature and bearings of our well tried-constitution, to the dismay and discomfiture of a few political partisans, who seek to destroy its nicely balanced powers, by making everything subservient to a dominant political faction, than the which no greater calamity could befall our adopted country.

Addresses from
the Provinces to
Lieut.-Governor.

Fully engaged in our various pursuits in the social interchanges of private life, and the quiet enjoyment of agricultural employment, we have neither leisure nor disposition to take part in all the political excitement which is kept alive by a few selfish, designing, and ambitious men, for the gratification of private ends; but possessing an inviolable attachment to the mother country, to the genius and spirit of her institutions and laws, and desiring to see her exercise a paramount influence in the administration of our government, we *firmly rely upon her strong arm* to protect us against all such innovations and changes as would destroy our happy constitution. That you may stand firmly by it, and with all that promptitude and decision you have so fearlessly and manfully evinced, is the most fervent prayer of His Majesty's loyal subjects of Youge Street.

Number of signatures attached to this Address - - 155.

(No. 9.)

To his Excellency Sir *Francis Bond Head*, Knight, Lieutenant-Governor of Upper Canada.

WE, the undersigned freeholders and householders of the township of Ancaster and its vicinity, beg leave to assure your Excellency that we have witnessed with great pain and indignation the attempts made to embarrass and impede your Excellency's administration in this province, which, under the wise and paternal instructions of His most gracious Majesty, augured so favourably for its future prosperity. We are convinced that it is but a small number of the respectable inhabitants of this province who would thus interpose to frustrate your Excellency's beneficent intentions, and many of those have been misled by the unceasing efforts of a few designing men, who have long endeavoured to distract and agitate this province, and retard its future advancement in wealth, greatness, and renown.

We therefore consider it our imperative duty to assure your Excellency that we should ever strive to uphold, by every means in our power, that happy form of government which Great Britain has guaranteed us by the Constitutional Act, and are determined to maintain inviolate the existing connexion between this province and the parent State.

Individually and unitedly we congratulate your Excellency on your arrival among us, and fervently pray that, by the assistance of Divine Providence, you may be the instrument of diffusing throughout the province the blessings of good government and peace, of which your conduct since the commencement of your administration is a happy harbinger and certain pledge.

Number of signatures attached to this Address - - 147.

(No. 10.)

To his Excellency Sir *Francis Bond Head*, Lieutenant-Governor of the Province of Upper Canada, &c. &c. &c.

WE, His Majesty's dutiful and loyal subjects resident in the township of Stamford, in the said province, beg leave respectfully to address your Excellency, to state that we accord with your Excellency in the desire which you have shown to maintain our glorious constitution (the envy of all nations) inviolate; anticipating the happiest results when your Excellency shall deem it expedient to carry into effect those measures of reform which may be deemed necessary, and to which you referred in your Excellency's Message to the Legislature.

We are aware that there exists a certain faction in this province, whose aim is doubtless to mutilate or overthrow that constitution, and render nugatory the best intentions of His Majesty towards the people of this colony; and for the purpose of those persons of this township who are attached to His Majesty's Government having an opportunity of expressing their approbation thereof and your Excellency's conduct, a meeting was advertised for the 6th instant, when from the industry of the radical faction bringing together

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a large number of people from other townships, equally discontented or disaffected, their wishes could not then be realized, which party are handing about petitions at the present time for signature, for the purpose of thwarting the representative of His Majesty in carrying into effect his anxious wishes for their welfare and happiness. In such a crisis as this we feel ourselves called upon to testify our loyalty and attachment to our beloved Sovereign and our excellent constitution, and to express our sincere acknowledgements to your Excellency for the calm and deliberate manner in which you have endeavoured to convince that faction their views of the constitution are erroneous, and that any infringement thereof or alteration required by them (which we have seen in the public prints), must tend ultimately to militate against the best interests of the inhabitants of this province. We regret that in so short a period of your administering the government of Upper Canada any differences should have arisen between your Excellency and the late Executive Council, and trust that when a thorough knowledge of what is required of the present one is entertained, they will cordially and conscientiously aid your Excellency in the discharge of the important duties pointed out in His Majesty's instructions for the government of this province.

Stamford, 7th April 1836.

Number of signatures attached to this Address, 192.

(No. 11. A.)

To his Excellency Sir *Francis Bond Head*, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant-Governor of Upper Canada.

May it please your Excellency,

WE, the undersigned inhabitants of Bytown and its vicinity, beg leave to offer your Excellency our sincere congratulations on your arrival in this province, and on commencing the discharge of those high and important duties attached to the eminent situation in which our revered Sovereign has been pleased to place you.

The recent events in your Excellency's Council have been received by us with deep regret, as happening at so early a period after your arrival among us; and fearing that some temporary inconvenience might be felt by your Excellency being deprived of the assistance of those who had been deemed qualified to act as advisers in cases where your Excellency might think proper to consult them. But when we reflect that some of the Council had been selected by your Excellency's predecessors, and that your Excellency has been pleased to express your regret that a difference of opinion should be deemed by them a sufficient ground for withdrawing their services, it would ill become us, either in reference to your Excellency's predecessors (of whose services to the country we entertain a grateful recollection), or to your own opinion so candidly expressed, to indulge in blaming those members of your Council who have acted as they have thought incumbent upon them to do. We cannot, however, allow this opportunity to escape, without conveying to your Excellency our grateful thanks for the candid, firm, and open declaration of the line of political conduct your Excellency has been pleased to avow; and we hail the clear and open exposition of the principles of our happy constitution which your Excellency has been pleased to set forth as the surest pledge we can receive of the sentiments you entertain; and that under your Excellency's administration those principles so dear to every loyal subject will be maintained with unsullied purity.

With unqualified sentiments of approbation of the line of conduct heretofore pursued by your Excellency, we beg leave to convey to you at the same time the assurance of our high estimation of the many privileges we enjoy under the protection of the British Government, privileges so dear and justly appreciated by every well-wisher of this province, that in their support, and (if need be) in their defence, your Excellency may implicitly rely upon the zeal and good feeling of the inhabitants of Bytown and its vicinity.

Number of signatures attached to this Address - - 211.

(No. 11. B.)

To his Excellency Sir *Francis Bond Head*, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant-Governor of the Province of Upper Canada.

May it please your Excellency,

WE, the undersigned inhabitants of Bytown and vicinity, fully appreciating the blessings of the British Constitution, under which we live, beg leave to address your Excellency at the present eventful crisis.

The principles of our constitution, which your Excellency has so clearly defined, and the firmness which you have exhibited in upholding them, are sources of unmingled pleasure to us; we accordingly return your Excellency our most grateful thanks, and we earnestly pray that you will never depart from them.

We

We think we see, in the conduct of certain individuals, whom your Excellency was pleased to elevate to your Council (acting, as they manifestly did, under the guidance of the leader of a political faction), signs of an already deeply-rooted conspiracy against that frame of government which has fostered and encouraged this infant colony; but we have the utmost confidence that, by a continuation of the decision which your Excellency has already exhibited, evincing, as it does, an intimate foreknowledge of our real interests, we shall be spared from democratic tyranny, and still have the happiness to remain a part of the British Empire.

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No. 1.

Addresses from
the Provinces to
Lieut.-Governor.

We deprecate the conduct of those who, pretending to represent the sentiments of the people, either from ignorance or treachery, or both, make use of language towards your Excellency, as the King's representative, not only grossly insulting towards His Majesty, but highly degrading to themselves, and abusing their legislative privileges, by distributing through the province, at the expense of a much injured and deceived people, a seditious petition for signature, calling upon themselves to stop the supplies; thus more clearly proving the existence of the conspiracy before referred to.

Your Excellency may, however, be assured that the body of the people will not fail in their allegiance, should the day of trial arrive; and we pledge ourselves to support your Excellency in the maintenance of the just prerogatives and authority of His Majesty over this province.

Number of signatures attached to this Address - - 70.

(No. 12.)

To his Excellency Sir *Francis Bond Head*, Knight Commander of the Royal Hanoverian Guelphic Order, and Knight of the Prussian Military Order of Merit, Lieut.-Governor of the Province of Upper Canada.

WE, the undersigned inhabitants of the township of Georgina, beg respectfully to state to your Excellency the surprise and regret with which we view the sudden resignation of the late Executive Council, at a period when their services were most required.

We also beg to state the concern with which we observe that printed petitions, addressed to the House of Assembly, are in circulation for signature throughout the country, praying that House, in consequence of such resignation, to adopt measures unconstitutional in themselves, injurious to the interests of this province, and tending ultimately to its separation from the parent State.

Aware of the rational liberty we enjoy under our present constitution, and of the advantages this colony derives from its connection with Great Britain, we should look with alarm upon such attempts of factious demagogues, and their deluded followers, but that we rely, under Providence, upon that steady and fearless execution of your duty which your Excellency has already shown for the preservation to us of these blessings unimpaired.

Number of signatures attached to this Address - - 60.

(No. 13.)

To his Excellency Sir *Francis Bond Head*, к. с. н., &c. &c. &c., Lieut.-Governor of the Province of Upper Canada.

WE, His Majesty's dutiful and loyal subjects, inhabitants of the township of *Guelph*, in the district of *Gore*, and province aforesaid,

Respectfully represent,

THAT we view, with extreme regret, the strenuous exertions now making, by a portion of the residents of this province, to embarrass your Excellency's government, and thwart the gracious intentions of our beloved Sovereign, as expressed in your Excellency's communication to the two Houses of the Legislature.

That we respectfully beg to make known to your Excellency the satisfaction we feel in the determination expressed by your Excellency, to uphold inviolate our excellent constitution, perfectly satisfied that it secures to all classes of His Majesty's subjects that true, equal, and perfect liberty which ever emanates from the spirit of the British Constitution.

That we beg to assure your Excellency of our firm determination to support, by every means in our power, your Excellency's administration in the enforcement of the laws, and the carrying into effect His Majesty's most gracious intentions.

Guelph, 5 April 1836.

Number of signatures attached to this Address - - 167.

(No. 14.)

Enclosure 3, in
No. 1.
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To his Excellency Sir *Francis Bond Head*, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieut.-Governor of Upper Canada, &c. &c. &c.

May it please your Excellency,

Addresses from
the Provinces to
Lieut.-Governor.

WE, the undersigned inhabitants of Peterboro' and its vicinity, beg leave most respectfully to approach your Excellency with an offer of our sincere thanks for your uncompromising, manly, and straightforward conduct since you assumed the administration of the government of this province; we feel from it a most cheering confidence for the future, and earnestly hope that your Excellency may see no cause to alter the course you have so ably struck out for conducting the affairs of the Government.

We view, with sorrow and disapprobation, the vile attempts which have been made to embarrass your Excellency, and again thank you, Sir, for the able and firm manner in which you have met them. We are perfectly willing, and will be at any moment ready, to support your Excellency, whenever it is necessary that our energies should be called forth for that purpose.

Number of signatures attached to this Address - - 1,026

COPY of an ADDRESS to THE KING from the ASSEMBLY of *Upper Canada*, with the Appendix of Documents transmitted therewith to the Secretary of State.—
See APPENDIX (H.), p. 75.

To the Honourable the Commons House of Assembly.

Report of Com-
mittee to Commons
House of Assembly.

THE Committee to whom was referred the correspondence between his Excellency the Lieutenant-Governor and the late members of the Executive Council of this province, having examined the various documents referred to them, and having carefully considered the subject discussed in the correspondence, submit the following Report:

The Committee are deeply convinced of the truth of Lord Glenelg's opinion, "that the present is an era of more difficulty and importance than any which has hitherto occurred in the history of this part of His Majesty's dominions;" and not less are they convinced that the difficulty has been increased, instead of being diminished, since the date of Lord Glenelg's despatch. It is at such a crisis that we are called to the discussion of a question of vital importance to the people of this province, a question which, in the opinion of the Committee, is no less than this: whether we have, as we have been taught to believe, a constitution "the image and transcript of that of Great Britain," or have only a mutilated and degraded constitution.

The increasing dissatisfaction which has been produced by the mal-administration of our provincial affairs, under Lieutenant-Governors Gore, Maitland, and Colborne, has been so well known and so general, that even the Colonial Office seems to have been awakened to a sense of the necessity of ameliorating our condition, by holding out the encouraging prospects of relief and reform. To our complaints, too long neglected and unredressed, attention was at length to be paid. Sir John Colborne (with whose measures, maxims, and advisers His Majesty's subjects had long been dissatisfied), was removed, and a Lieutenant-Governor was sent out, to administer the affairs of the province in such a way that the people should have reason to be attached to the parent State, from sentiments of affection and gratitude, as well as from principles of duty. As he was a stranger to the province, to its affairs and history, to the wants, sentiments, and habits of its inhabitants; and as the measures complained of, under Sir John Colborne's administration, had been attributed, in a great degree, if not altogether, to evil advisers, much anxiety was felt that the new Lieutenant-Governor should call to the Executive Council persons in whose sound constitutional principles, integrity, and prudence the country could put confidence. The appointment of Messrs. Dunn, Baldwin, and Rolph, therefore, afforded general and lively satisfaction, not unmingled, however, with serious apprehensions that the influence and presence of the old Councillors, who were supposed to have advised Sir John Colborne, would embarrass his Excellency and the new Councillors in the pursuit of a more impartial, conciliatory, and constitutional system of government. The House and the country were not then aware that this Executive Council had been used as a mere screen for the acts of the Lieutenant-Governor; on the contrary, it was generally understood that they were consulted on the affairs of the province.

That the principles of the British Constitution were not put in practice, as it regarded this Council in one respect, was well known, and had been the subject of earnest complaint on the part of your honourable House; we allude to the fact that persons had been appointed or continued as Councillors whose political opinions or principles were in opposition to those of the people and their representatives, and in many cases to the express wishes and intentions

tions of His Majesty's Government; as for instance, the contemptuous treatment given to Lord Goderich's despatch, as well as to its noble author. But the country were ignorant how much the affairs of the province had been conducted by the arbitrary will of the Lieutenant-Governor himself, with no other counsel than the secret suggestions and recommendations of unsworn, irresponsible, and unknown advisers.

Much and justly as the people of this province had been dissatisfied with the condition of our public affairs, they were nevertheless not aware of the extent to which the unconstitutional proceedings of the Lieutenant-Governors of this province had been carried.

Every day, however, discovers new cause of complaint on the one hand, and the contemptuous indifference with which all complaints are regarded on the other.

From the documents referred to the Committee it pretty plainly appears that the Lieutenant-Governor had not consulted the Council at all after the new Councillors were sworn in [See the representations of the Council hereunto appended, marked (A.)]; although during the interval between that event and their resignation, three weeks of anxious expectation on the part of the people and their representatives had elapsed, and during that time his Excellency had made various appointments, which he could not make advantageously or properly without information and advice from some one.

His Excellency also refused to give the royal assent to a Bill demanded by justice and humanity, and passed for more than ten years almost unanimously by repeated and different Houses of Assembly, although, during the present winter, Lord Gosford had informed the legislature of Lower Canada that the royal assent would be given by the King in Council to a similar Bill which had been passed by the Parliament of that province, and reserved for the signification of His Majesty's pleasure. Upon this refusal to assent to a Bill which had thus received the sanction and approbation of both Houses of Parliament in Lower Canada, and both Houses of Parliament in Upper Canada, and been approved of by His Majesty's Government, after deliberate consideration, it is plain that the Executive Council had never been consulted, and indeed all the measures subsequently adopted so disappointed expectation, as plainly to indicate either that the Council were not consulted, or that the old members, with the umpirage of the Lieutenant-Governor, predominated.

Your Committee are forced to believe that the appointment of the new Councillors was a deceitful manœuvre to gain credit with the country for liberal feelings and intentions, where none really existed; for it was notorious that his Excellency had really given his confidence to and was acting under the influence of secret and unsworn advisers. Under these circumstances the Council seem to have been led (in conformity, indeed, with a suggestion of his Excellency himself), to examine the nature and extent of their duties under the Constitutional Act, and having discussed the subject with his Excellency personally at the Council Board, they united, ten days afterwards, in an unanimous and respectful representation, in writing, to his Excellency, in which, after adverting to the critical state of public affairs and the general discontent with the past administration, which no one can doubt, they state their views of the Constitutional Act, (31 Geo. 3, c. 31), as it respects the Executive Council, and draw from it the following conclusion:

"*Firstly.*—That there is, according to that statute, an Executive Council.

"*Secondly.*—That they are appointed by the King.

"*Thirdly.*—That they are appointed to advise the King and his representative upon '*the affairs of the province.*' No particular affairs are specified; no limitation to any particular time or subject."

They represent, that, according to our constitution, the Lieutenant-Governor should consult the Executive Council upon the affairs of the province generally, and not merely occasionally, although (except in certain cases where their concurrence is by statute expressly required), his Excellency would still be at liberty to reject the advice when given; and they recommend that, with the exception of those matters of so weighty or general a character as not properly to fall under any particular department, and therefore fitted for the deliberation of the Council collectively, the affairs of the province should be distributed into departments, to the heads of which shall be referred such matters as obviously appertain to them respectively.

We have been careful to state the exact propositions of the late Council, as contained in their representation, because it is important to know what are the real points in controversy; and because his Excellency, in various public documents, has given (to use the mildest terms) a very erroneous account of these propositions. He describes them as attempting to divest him of his responsibility, and of his power and patronage, although nothing was proposed by the Council, except that which we have above stated.

Your Honourable House will observe that the late Executive Council, in their representation to his Excellency, have placed their duties upon the most moderate scale. It is merely proposed that the affairs of the province should be submitted for their advice, before the Lieutenant-Governor exercises his own discretionary power upon them; and if the general business were, as recommended, distributed into departments, it would obviously facilitate the reference of any matter by his Excellency for information or advice. Yet this simple proposition, in the opinion of your Committee so reasonable to a candid, and so acceptable to any *well-constituted mind*, is repelled by his Excellency with seeming indignation; and the Councillors, in a most arbitrary manner, coerced from their office; and, after their resignation, literally traduced. Upon such official conduct (whatever the station from which it comes), your Committee cannot forbear freely to animadvert; for the country will in vain look for talented and honourable men to fill the public stations, and

Report of Com-
mittee to Commons
House of Assembly.

aid the conduct of public affairs, if subjected to ignominy and reproach, without vindication by the representatives of the people, whose highest interests in the King's Councils they have undertaken to serve.

It is therefore with pain your Committee notice, in the conclusion of his Excellency's reply to the late Council [hereto appended, marked (B.)], the discreditable alternative offered them. It appears from Mr. R. Baldwin's letter, that when he and his colleagues accepted the invitation to join the Executive Council, their political principles were made known, and very fully explained to Sir Francis Head; and when jointly waiting upon him more formally, to receive a united invitation, it appears he accepted their services with the avowed retention of the opinions they had hitherto publicly entertained and acted on, even declaring with great apparent frankness and magnanimity, that their seats in the Council would afford them a better opportunity of confidentially presenting and urging their views. With such a latitude professedly given them, it became their duty, in the opinion of your Committee, upon assuming their office, to advise his Excellency upon the affairs of the province, and, in their opinion, as to the constitutional manner in which it might be best administered, in the terms of their oath, "for the good of the King and this province, and for the peace, rest, and tranquillity of the same." Such is the substance of Mr. Baldwin's manly and honourable letter.

Animated with these loyal and patriotic feelings, and conversant with the condition and expectation of the country, it appears they joined in the representation, dated the 4th of March 1836 [hereto appended, marked (A.)], embodying their united views in a manner unreserved, candid, and respectful.

To this representation Sir F. Head sent a reply, also hereto appended [marked (B.)], concluding with the following words: "The Lieutenant-Governor assures the Council, that his estimation of their talents and integrity, as well as his personal regard for them, remain unshaken, and that he is not insensible of the difficulties to which he will be exposed, should they deem it necessary to leave him. At the same time, should they be of opinion that the oath they have taken requires them to retire from his confidence, rather than from the *principles* they have avowed, he begs that, on his account, they will not for a moment hesitate to do so."

It appears to your Committee that, however sensible the Council might be to the honour of being confidential advisers of the King and his representative in this province, and however anxious to avert the embarrassments his Excellency justly apprehended, yet having entered His Majesty's service with known principles, and as a duty communicated them officially, they could not honourably retire from these principles, to which, as their representation testified, they properly attached so much importance and truth. Hence, upon this delicate subject Mr. Baldwin nobly observes [See his Letter in the Appendix, marked (C.)]:

"Having, in the representation alluded to, but reiterated in a more formal manner, in conjunction with my colleagues, under the sanction of the oath (which I had in the mean time taken), the same principles and opinions which his Excellency knew me to entertain previous to his honouring me with a seat in his Council, however desirous I might be of giving my best support to his Excellency's government, or of not hastily abandoning the important duties of my situation, which had been most unwillingly assumed, I could not for a moment hesitate when the alternative presented to me was the abandonment either of my principles or my place."

Your Committee cannot hesitate to remark, that this proposition of Sir Francis Head, in the secret Council Chamber, to retain them in his service if they would retire from their principles, was highly objectionable, derogatory to the honour of the King, and demoralizing to the community.

Among the criminating views urged by his Excellency against the late Council, since the date of the correspondence, will be found a complaint against their concluding prayer, as follows, "that should such a course not be deemed wise or admissible by the Lieutenant-Governor, the Council most respectfully pray that they may be allowed to disabuse the public from a misapprehension of the nature and extent of the duties confided to them."

This request might, in the opinion of your Committee, have been answered by a frank avowal of the alleged intention, "after a few moments more afforded for reflection," to consult them to such an extent as to render their prayer "practically useless;" but being in the strange misapprehension of his Excellency "sworn to be *dumb*," and therefore kept by him religiously mute, from giving him any advice, the late Council appear to your Committee to have had before them only two courses, viz. either to obtain a more cordial and constitutional intercourse with his Excellency, or discreditably to keep up the prevailing public deception respecting their duties. If the Council would have recanted, and kept the *great secret*; viz., that there were *no secrets*—they might, as the reply shows, have dishonourably retained his Excellency's confidence.

But for what honest purpose could it be desired not to undeceive the public, who had so long, under a misapprehension of the nature and duties of the Council, directed their reproach against them as the presumed concurrent advisers of misgovernment? If it is *wrong* that the Council should advise upon the "affairs of the province," is it *right* falsely to make the people ascribe to them such duties? Was it criminal, as is pretended, for them to ask leave to communicate to the public, not any particular matter, or their advice upon it, but merely to correct a public misapprehension of the nature and extent of the duties confided to them? Was it generous or just for his Excellency, under the pretence

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of the oath they had taken, to compel the new Councillors to subject themselves unjustly to the same reproach as had been heaped upon the old ones, for supposed acts they had never done, and for supposed advice which had never been asked or given? Was it magnanimous or honourable for a Lieutenant-governor, who professed to take upon himself all responsibility for all mismanagement of our affairs, to screen himself from censure, by allowing it to be unjustly imputed to a "dumb" "defenceless" Council? Would it not have been more manly to say, "*I am the only responsible person. You shall not be blamed for my acts; therefore disabuse the public, that they may never charge against you what is wholly chargeable against me?*" But, on the contrary, his Excellency condemns them, almost as violators of their oath, for desiring to undeceive the country, and for betraying so much sensitiveness about mere character and reputation, as to undervalue the honour of innocently braving all the odium of his Excellency's unadvised misdoings in his government. This is a species of political gallantry, from which the Council seem humbly to have wished to be relieved; a wish, however, which his Excellency indignantly resents.

Report of Committee to Commons House of Assembly.

Your Committee are unable to discover, in the conduct of the late Council, any grounds for the reiterated assertion of his Excellency, that they wished to deprive him of his responsibility and patronage.

The responsibility of the Governor should, in the opinion of your Committee, consist in a great measure, of selecting good Councillors, and acting with their good and rejecting their bad advice. The advice of the Executive Council, given in the terms lately proposed by them, would inform the judgment, but not impair the responsibility of his Excellency.

A jury are not the less responsible for their verdict, because they hear evidence, the counsel, and the judge. And to your Committee it seems puerile to urge, that should an Executive Council give advice to a Lieutenant-governor, he should have no responsibility in acting on it.

The same may be said about the patronage.

This patronage chiefly consists of appointments to all public offices throughout the country; and as his Excellency professes himself to your Honourable House, to be a stranger lately arrived amongst us, unacquainted even with the political differences of the mother country, and, necessarily (as all his successors from England must be) wholly ignorant of this province, it seems rational and prudent, that before making any such appointment to office, he should receive the advice of the Council, in conjunction with whom he could make better inquiries and arrive at safer conclusions than by his own unaided judgment.

When, therefore, his Excellency contends that he will not take advice upon the affairs of the province, because it takes away his responsibility, and that he will not consult the Council about appointments to office, because it will take away his patronage, it practically amounts to a declaration that he will carry on an arbitrary government; not because it is the best calculated to advance the peace and prosperity of the country, but for the selfish purpose of displaying the extent of his power; for it is not pretended that the constitution prevents him from consulting with the Council on all matters, if he was only desirous of doing so.

But the Lieutenant-governor deliberately declares himself to be responsible for his Council, as well as himself, to His Majesty's Government in England. This kind of responsibility (undeniably existing) we have witnessed in the examples of all preceding Governors; and experience, dearly bought, has proved that liability to a patron in Downing-street, 4,000 miles off, is unavailing for any practical purpose. And even assuming this responsibility to continue, it does not lessen the manifest expediency and wisdom of guarding against even unintentional errors in the conduct of our affairs, by the intervention of sworn advice from Councillors selected by the Lieutenant-governor himself, for their talents and integrity.

The counsel given would produce here safe and happy government, and instead of destroying responsibility in England, would only lessen the necessity of a frequent appeal to the Throne, and to the British Parliament, for the redress of grievances, even of the most subordinate kind.

Your Committee cannot forbear to notice the Lieutenant-governor's charge against four of the late Executive Councillors, whom he accuses with "having changed their opinions." Sir Francis Head is the last person who should have promulgated such a reflection against any of the late servants, particularly against those to whom he had introduced gentlemen avowing the opinions, which, it is insinuated, they imbibed. How could they suppose that his Excellency was angrily opposed to the principles he had infused into the Council? But it seems he formed the Council of persons who, he thought, entertained opposite and discordant sentiments; and because, instead of quarrelling and wrangling among themselves, they discovered in their proceedings a happy and useful concord in public business, he dismisses them for their unanimity, and then ungraciously charges one part with holding unconstitutional views, and the other part with being converts to them. And all these attacks are made upon them by his Excellency, who at the same time declares them to be defenceless, "because, being sworn to silence, they are deprived by this fact, as well as by the constitution, of all power to defend themselves." Nevertheless, to your Honourable House, and in answer to popular addresses, he is continually urging constructions and statements against the Council, which ought in fairness, and on every principle of honour, to be allowed to be answered or never to have been made.

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Your Committee feel surprised at the public answer of his Excellency to the address of the city corporation. Your Committee have procured a certified copy of this address and answer from his Excellency's private secretary, which they hereunto annex, marked (D.), in which he expresses "*astonishment*" that those principles "suddenly appear from a '*quarter* from which he *certainly least expected it*,' from the Executive Council itself." It is but just to the late Council to remark, that the announcement of such principles from a Council into which his Excellency had himself knowingly introduced them with Mr. Baldwin and his coadjutors, could not, in "*candour*," be a matter of "*astonishment*;" nor can your Committee consider it done "*suddenly*," after an amicable verbal discussion with him in Council ten days before, or that it could be "*certainly least expected*" from sworn advisers known to him to entertain these principles, and bound by his Excellency's invitation to the frank interchange of opinions, as well as by every obligation of honour and duty, to express them to him. It is therefore plain, that the principles are regarded with "*astonishment*" by his Excellency, when there was no reason to feel it; are denounced as obtruded by the late Council "*suddenly*," after they had been debated for *weeks*; are condemned as emanating from a "*quarter*" into which he had *himself* knowingly introduced them; and are said to have been "*least expected*" from men whom he had *himself* in Council sworn *fearlessly* to advise him according to their honest convictions.

The late Council are charged by his Excellency, in the last-mentioned document, with resting their claims in the appended representation, very nearly on the following grounds: "1st. That the responsibility they assume being a popular one, daily increasing, is consequently the law of the land. And, 2dly. That though the powers they require are no where expressed in the Constitutional Act, they were evidently intended to have been inserted."

Your Committee have compared the above professed epitome of the grounds taken by the late Council with the representation itself, from which it is avowedly deduced; and the grounds, thus charged by his Excellency against the Council as assumed by them, are so utterly and so obviously at variance with *candour* as to defy any courteous commentary without injustice to the *constitutional* question at issue.

In the answer of his Excellency, accompanying the documents between himself and the Council, he states, that "with every desire to consult my Council, I was preparing for their consideration important remedial measures, which I conceived it would be advisable to adopt, and had they but afforded me those few moments for reflection, which from my sudden arrival among you, I fancied I might fairly claim as my due, the question which so *unnecessarily* they have agitated, would have proved practically to be useless."

It is singular that this latent intention of his Excellency is not even hinted in his reply to the Council, but is reserved for disclosure as a means of criminating them after their resignation was effected by the alternative of "abandoning their principles or their place." Considering the relation which ought to exist between a Governor and the Executive Council of the province, it was not, in the opinion of your Committee, dealing ingenuously with them, to take most important steps without their advice or even knowledge; and it must have been a humiliating position for gentlemen, distinguished, as his Excellency admits, for "their talents and integrity," to imagine that his Excellency was "preparing important remedial measures," not in dignified and constitutional co-operation with his highly gifted Council, but by the aid of unsworn and irresponsible persons unentitled to confidence. Such conduct did not redeem the pledge to the late Council, upon accepting office, of his "implicit confidence;" and when, after three weeks' merely nominal councillorship, they resign, it is alleged, "had they afforded him a *few moments* for reflection, the question which so *unnecessarily* they have agitated, would have proved practically to be useless." If such is the truth; if it was intended (after a *few moments* for reflection) to consult the late Council to such an extent as to render their representation "practically useless," why did his Excellency require them to "abandon their principles or their place"? Why did he, in his own language, "drag the question into daylight, in order that it might be openly, fairly and constitutionally discussed," when it was his avowed intention shortly to render the agitation of it "practically useless"? Under such a prospect it was inexcusable *misrule* to fill the country with consternation and dismay, upon a matter respecting which he had the *power*, and *professes* to have had the *intention*, to satisfy public expectation; and after importuning the Honourable J. H. Dunn, and R. Baldwin, esq., under an overwhelming pressure of recent domestic affliction, and Dr. Rolph amidst professional avocations, in voluntary retirement from public life, to join the Council, in order to aid the King's Government, it was most *ungenerous* to almost expel them his Council, merely for offering a suggestion which, after a few moments more reflection, he intended so far to follow as to render their representation "practically useless."

It should be particularly observed that the representation of the late Council was signed by all the Councillors, was the deliberate, unanimous, conscientious opinion of gentlemen of different political parties, of those who had long been in office, and of those who had just been appointed; not as to a mere theoretical question, but as to a question practically affecting their own duties under the constitution of the country; was not a movement to serve any political party, but was calculated to meet the views and wishes of all parties, and that being in writing, his Excellency could take his own time to consider it. Finally, as this was a matter of no ordinary importance, and as the Councillors had delivered their views in writing signed by all, (a proper and constitutional proceeding on such great questions in the judgment of the Committee, and certainly the most respectful to his Excellency,) it would have been

been no great stretch of courtesy to the unanimous and confidential advice of his Councillors, if, in case he differed from them, he had referred it with his observations to His Majesty's Government, instead of indulging his arbitrary spirit, and requiring them to resign for the mere expression to him in confidence of their sentiments. It may be observed that, without being obliged to concede the principle maintained by him, or to compromise his character or his dignity, he might frankly have consulted them in the meantime of his own accord, on all important matters, and have obtained thereby advice and information which would have been highly useful to him, and which, in fact, he necessarily must seek somewhere. By this means he would have prevented the present excitement, and the discussion which has been forced upon the country of forms of government and fundamental principles of the constitution, a discussion which common prudence will admonish all settled governments to avoid. That he might have consulted them upon all the affairs of the province, even if he was not obliged to do it, there can be no doubt. Such a course, if not enjoined, is evidently not forbidden by the constitution, or by the royal instructions, or by any law or authority whatever. It is not borrowed from a republican government or republican institutions, but is a British usage, and according to British principles. It seems, however, from his own declaration, that he was waiting for an opportunity to force this discussion upon the country; or, in his own language, "to drag this new theory into daylight, in order that it might be discussed." The Committee and the House are therefore "dragged" into the discussion of it, not by the Executive Council, not by any factious or party proceeding, but by his Excellency himself, who, it appears, notwithstanding his short arrival in the country, rather courted the discussion of it than otherwise; for it will be observed that he stated, in answer to the corporation, as follows:

"Finding that this new theory was rapidly gaining ground, I resolved to offer it no secret opposition, nor in any way to exert my influence to oppose it; but I determined the very first time it should come well within my reach that I would drag it into daylight," &c.

The Committee cannot but remark, that hitherto the Executive Council have sustained the public censures for the misconduct of our affairs, upon which it has always been supposed they have given a concurrent advice, and upon that account past Lieutenant-Governors, as well as the British Government, have sustained their office in dignity, and been treated personally with respect. It is therefore with great concern we learn from various public documents emanating from his Excellency upon this subject, that he desires to relieve the Council from all participation of popular displeasure, inevitable in a country with liberal institutions, and to assume it himself. The representation of the late Council fully expresses the odium which its members had silently endured; and it appears to your Committee repugnant to the British constitution, and inconsistent with the necessary preservation of respect for the Kingly office, to bring his representative into personal collision with the people in every period of excitement, and render him the ostensible person for accusation and complaint. Should such a doctrine prevail, the royal station in the colony will be seriously impaired in its dignity, and be almost unavoidably introduced in parliamentary debate, and become the point upon which will be concentrated every manifestation of popular indignation. If all the odium which has been poured upon the old Executive Council had been charged, as his Excellency proposes, upon the Lieutenant-Governors, their residence would not be tolerable, and their very authority would become weakened or destroyed.

In the conclusions of the late Executive Councillors, the Committee fully concur, and cannot but express their surprise that his Excellency should not be convinced by the clear and unanswerable argument contained in their representation to him. His Excellency, however, in one of his appeals to popular feeling, broadly declares that the Act of 31 Geo. 3, chap. 31, creates no Executive Council, and says, "If any one tells you that it does, read the Act for yourselves."

In humble imitation of this great authority, we affirm confidently, that according to that statute there must be an Executive Council appointed by the King for the affairs of this province; and to any one who is led by the strong assertions of his Excellency to doubt it, we say "Read the Act for yourselves," especially such passages as this [section 34] "together with such Executive Council as shall be appointed by His Majesty for the affairs of such province;" and such passages as this, [section 29] "with the advice of such Executive Council as shall have been appointed by His Majesty, His heirs or successors, within such province for the affairs thereof;" and such passages as this, [section 7] "before such Executive Council as shall have been appointed by His Majesty, His heirs or successors, within such province for the affairs thereof;" and such passages as this, "as such Governor, Lieutenant-Governor, or person administering the government, shall, with the advice of the said Executive Council, judge to be expedient under the then existing circumstances;" all of which passages are found in the Act. On this subject the Committee refer to the conclusive argument of the Executive Councillors in the communication which seems to have disturbed his Excellency so much amidst his alleged preparation of "important remedial measures," and conclude that, according to the Constitutional Act, there must be an Executive Council; that they are appointed by the King, and that they are appointed to advise upon the affairs of this province generally, and not merely upon particular affairs, or upon particular occasions, are propositions which are demonstrable from the express terms, as well as from the spirit and evident intention of that Act (as has been shown by the late Executive Councillors), and may, moreover, be inferred from the absence of every thing of a contrary import in the Statute.

In other Statutes besides that just referred to, both imperial Statutes and provincial Statutes, the Executive Council is noticed, and their duties are alluded to in terms equally comprehensive.

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comprehensive. [See the Provincial Statute, 34 Geo. 3, chap. 2, sec. 33, and the British Statutes, 6 Geo. 4, chap. 114, sec. 30, and the 7th and 8th Geo. 4, chap. 62, sec. 1.] From these Statutes it will be seen that an Executive Council is "the Council of the Province," "appointed for the affairs thereof," and not his Excellency's Council, or appointed for particular affairs, or any particular purpose. They are not, as he says they are, appointed to serve *him*, they are the Council of the province, "appointed for the affairs of the province." The distinction of his Excellency between the Council serving him, and not the people, is calculated to awaken much concern, and seriously impair that identity of interest and purpose which (under the presumption of our enjoying the British Constitution) we always supposed to exist between The King and the People. Indeed it has been a universal belief, founded, as your Committee believe, in unerring principles, that both the Privy Council at home and the Executive Council in this province are the servants of, or instruments for, the dispensing of good government. Any attempt to put up any conflicting interests between The King and the People, by creating a belief that, in serving the Crown, they do not serve the country, is erroneous in theory and mischievous in practice.

His Excellency repeatedly asserts, that no Executive Council was created by the British Act, 31 Geo. 3, c. 31, and says, "as regards even its existence, the most liberal construction which can possibly be put upon the said Act, only amounts to this: that as an Executive Council was evidently intended to exist, the remnant of the old one ought not to be deemed totally extinct until its successor was appointed."

In opposition to this sweeping and positive declaration, the Committee must remark, that there was no such thing as "an old Council" of this province; and though there had been a Council created for the affairs of the old Province of Quebec by the British Act, 14 Geo. 3, c. 83, this Council was called a *Legislative Council*, and not an *Executive Council*; and your Committee also deem it worthy of remark, that this Council is spoken of in the same terms in the said 14 Geo. 3, as is the Executive Council of this province in the 31st of the King, viz., "a Council for the Affairs of the Province of Quebec;" and, moreover, the very first clause of 31 Geo. 3, c. 31, repealed so much of the previous Act as in any manner related to the appointment of that *Legislative Council*, or to the power given to them; not "a remnant" of that old Council, therefore, existed; every vestige of it was annihilated, and your Committee are quite perplexed to understand how the Legislative Council of Quebec, after its absolute and unconditional repeal, could survive, in even a remnant (as his Excellency says) till its successor was appointed. If this is good reasoning on the part of his Excellency, the Legislative Council of Quebec, had no successor been appointed, would be now in operation; and, by similar logic, by rescinding the instructions, his Excellency might undertake to revive it. But the last clause of 31 Geo. 3, c. 31, affords a conclusive answer to all his Excellency's assertions, that an Executive Council was not created by that Act; for it provides, that during the interval between the commencement of that Statute in the province, and the first meeting of the Provincial Legislature, the Lieutenant-Governor, "with the consent of the major part of such Executive Council as *shall be* appointed for the affairs of the province," may make laws for the government thereof in the same manner as the old Legislative Council for the Affairs of the Province of Quebec, could have made ordinances and laws for that province. The Council thus authorized to assist in making laws, were an *Executive Council* not then appointed, but which were *to be* appointed, and were to be appointed *before the first meeting of the Provincial Parliament*; and were to be appointed, not for that particular purpose only, but "for the affairs of the province" generally. And yet, according to his Excellency's opinion, this Statute did not establish an Executive Council at all; while, in his reply to the late Council, he says, "to enable the Lieutenant-Governor to perform the arduous duties of his office, the constitution has wisely provided him with an Executive Council, competent to supply him with that local knowledge in which he may be deficient, and to whom he may apply for counsel and advice."

The Committee, without hesitation, affirm, that this Act as much creates or requires the appointment of an Executive Council for the affairs of the province, as it creates or requires the appointment of a Governor, Lieutenant-Governor, or person to administer the government of this province. His Excellency, when he is promulgating and defending the novel doctrine, that he is sole minister as well as representative of The King in this province, would do well to consider upon what law his own authority rests before he makes these rash assertions. The official character and authority of a Lieutenant-Governor are no more necessary under the Constitutional Act, or created by it, than is an Executive Council for the affairs of the province; and if the representative of The King can thus attempt, by such bold assertions upon such slight grounds, to explain away an important part of that law, which is the "great charter of our liberties," from which his Excellency himself, in one of his appeals to the people, tells them, "they should never allow a single letter to be subtracted," (your Committee append the Address and answer which they have received, duly certified by his private secretary, marked E.), your Committee can only hope that his example will have as little weight as his arguments.

It was in a very different spirit and with very different views from Sir Francis Bond Head, that Lieutenant-Governor Simcoe regarded this great charter of our liberties: that great and good man, whose memory is embalmed in the affections and gratitude of the people of this province, was a member of the British Parliament, when our Constitutional Act was passed; and having served with distinguished honour in the colonies during the war, which had not long before terminated, and having been acquainted with those brave and loyal people who were about to seek in this province an asylum under British laws and

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British institutions, he was, no doubt, freely consulted about the form of government to be given to them.

Report of Committee to Commons House of Assembly.

The following extract from Lord Rawdon's observations in the House of Lords, in the discussion on the passage of the 31st of the King, will give an idea of the estimation in which Governor Simcoe was held.

His Lordship said, "that the gentleman whom he had heard was to be honoured with the appointment of Governor, was one of all others the fittest and most to be wished for by the country; his intelligent mind, his generous and liberal manners, his active spirit, and peculiar abilities for that situation, rendered him, in an eminent degree, the properest person that Ministers could have selected for that appointment; and certain he was, that the choice would redound to their honour and credit.

"If Canada was to be governed under the present Bill, it would be well for this country, and well for Canada, that Colonel Simcoe was the Governor."

When the British Nation conceded to the United States the right of forming a free government for themselves, after their own choice, it is scarcely credible that they intended to confer a constitution less acceptable upon the loyalists, who had fought, bled, and sacrificed their property and homes in defence of the unity of the Empire; and it does seem humiliating to your Committee, after the lapse of half a century, to find a new Lieutenant-Governor drawing so unfavourable a contrast between our local institutions and those from which they were borrowed, as to subject us to his arbitrary government, by superseding the functions of that important branch of the Constitution, called the Executive Council.

The Government of this province was, in fact, the subject of one of the most interesting and memorable debates ever witnessed in the British Parliament; and while Mr. Fox urged the extension of the elective principle in the new constitution farther than it existed in the British Constitution, no one proposed that the form of government should be less popular or less free. Governor Simcoe heard the debates on the subject, and, in fact, took part in them; he was the bearer of the Act to this country; was the first Lieutenant-Governor of the province; and was well qualified, and appears to have been authorized by His Majesty's Government to explain to the people the new constitution which was established for their benefit. This enlightened British statesman and legislator, who certainly knew what the principles of the British Constitution were, on the very opening of the first Session of the first Provincial Parliament, addressed the Legislature from the Throne, and in The King's name, in the following terms:—

"I have summoned you together under the authority of an Act of the Parliament of Great Britain, passed last year, *which has established the British Constitution, and all the forms which secure and maintain it in this distant country.*"

"The wisdom and beneficence of our most gracious Sovereign and the British Parliament have been eminently proved, not only in imparting to us the *same form of government*, but also in securing the benefit, by the many provisions that guard this memorable act; so that the blessings of our invaluable constitution, thus protected and amplified, we may hope will be extended to the remotest posterity.

"The great and momentous trusts and duties which have been committed to the representatives of this province, in a degree infinitely beyond whatever till this period have distinguished any other colony, have originated from the British Nation upon a just consideration of the energy and hazard with which its inhabitants have so conspicuously supported and defended *the British Constitution.*"

Still more striking was the following language used by him, as the King's representative, from the throne, in the speech with which he closed that Session:

"At this juncture I particularly recommend to you to explain, *that this province is singularly blest, not with a mutilated constitution, but with a constitution which has stood the test of experience, and is the very image and transcript of that of Great Britain.*"

Such were the emphatic words of this great and good man. Were they, after all, a mere delusion? An empty-sounding, unmeaning mockery? So they are now regarded by his Excellency, who, in an answer to an Address from the inhabitants of the city of Toronto, declares that it would be *unreasonable* to expect that the people of this province should be *ruined* in vainly attempting to be the "exact image and transcript of the British Constitution," and that "the constitution which His Britannic Majesty George the Third granted to this province, ordained no such *absurdities.*" That this is strong language the Committee admit; but it is language they have read with pain. The "absurdities" in which his Excellency's doctrines have involved him, must be apparent to every one, from this "vain attempt" to depreciate the authority and tarnish the memory of Simcoe, the first and ablest of our Governors, by holding him out, either as being unable, from want of knowledge or discernment, to judge whether our constitution was "an exact image and transcript of that of Great Britain," or as being an artful and unprincipled deceiver, attempting in the name of the King to palm off on a *confiding* and *deserving* people a "*mutilated constitution*," by a mere high-sounding flourish of words. In despite, however, of his Excellency's sneers, this testimony of Governor Simcoe stands recorded on the journals of your Honourable House, a solemn assurance in the name of the King, that his subjects in this province shall have all the blessings of the *British Constitution*, secured and "*amplified*" to them and their children; a pledge that we trust will yet be made good to them, to the disappointment of any Lieutenant-Governor who may *deride* their expectations, and oppose their wishes and constitutional rights.

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Sentiments similar to those of Governor Simcoe have been expressed by succeeding Lieutenant-Governors, and by persons of all classes and creeds who have ever treated on the subject, although some have demurred, that while we were entitled by the 31st of the King to all the blessings of the British Constitution, that while it was held out to us in theory and by profession, it was denied (in some respects) in practice, yet all have agreed that it was guaranteed to us by the Constitution; and those who have heretofore complained of the want of it in practice, have been charged with disaffection, and denounced as demagogues, grievance-mongers and disturbers of the public peace by Lieutenant-Governors and their adherents. The records and public documents of the province are filled with expressions (sometimes explicitly and at other times incidently mentioned) calculated to impress the belief that we were entitled to the full enjoyment of all the blessings flowing from the Constitution of Great Britain; and what is peculiarly striking is, that amidst all this multitude of witnesses in favour of our right to the British Constitution, with all its blessings and benefits, that not even a hint to the contrary was ever heard from any of them; and it has been reserved for Sir Francis Bond Head, in 1836, to discover that our constitution is different from the British Constitution, and that it would be *foolish* and *ruinous* for us to introduce the British Constitution if we could, and that any attempts to do it would be *vain*. Whatever evils we suffer under our present nondescript constitution, which even Sir Francis admits are so great and oppressive as to require "*important remedial measures*" without "*delay*," which "*our Sovereign has ordained*," and "*which he is here to execute*," we should console ourselves, according to his opinion, with one animating and delightful reflection, namely, we are not, and cannot be *curst* with the *British Constitution*. According to his doctrine, the Constitutional Act *ordained* no such *absurdities*, and the Royal Instructions were equally *gracious* and careful to protect us from that terrible evil and calamity, the British Constitution.

It has been observed by his Excellency in one of his public expositions, that Simcoe "could not alter the charter committed to his charge," or render it, what his Excellency asserts it is not, the very "image and transcript of the British Constitution."

Your Committee in imitation will say, Neither can Sir Francis Head, by his detractive assertions, impose upon us a "mutilated constitution," nor has he the right to impose upon Upper Canada the arbitrary government of Russia or Constantinople, in place of the genuine transcript of which Simcoe was the bearer. But although Simcoe could not alter the law, and was too great and good a man to do it, yet he never had a successor who had equal pretensions to expound the meaning, elucidate the provisions, and explain the scope of the new constitution. He who fought with U. E. loyalists in the American war and knew the worth and claims of the men for whom the constitution was generously designed; he who sat and spoke in the senate in which the law was passed, who was moreover entrusted with the duty of putting it into operation, and who, from the throne, solemnly declared the magnanimous gift of the British Constitution to those who had been driven by their loyalty to seek an asylum under it, was surely better and more competent authority respecting that law and constitution, than a gentleman nearly half a century afterwards, who cannot see that the law creates an Executive Council, but can see the vestige of a Legislative Council surviving its absolute repeal, until a successor was appointed; and that "in government, *impartiality* is better than *knowledge*." The Instructions, indeed, are in his eyes an *important document*; for, according to his Excellency's views, the Executive Council was regularly constituted and declared in "*the King's Instructions*," and of course could not have existed before it was so constituted: A quotation is made by his Excellency from these Instructions, from which he argues that the Council are only to be consulted occasionally. A copy of these Instructions has been furnished to your Honourable House by the Lieutenant-Governor; your Committee found with surprise not only that his Excellency had given a *garbled* extract in his quotation, but also that these Instructions "*in which an Executive Council was constituted and declared*," according to his Excellency's opinion, were actually dated in 1818! The Executive Council of this province was, therefore, in his Excellency's opinion, regularly constituted and declared in 1818!

Upon reference to the whole of these Instructions, however, it will be found they are not less liberal and comprehensive than the Constitutional Act, had they been *honourably* interpreted and acted upon. Your Committee deem it important that the Instructions which have been so long kept in secret should be made public, especially as they seem to be viewed by his Excellency to be of as much, if not of more, importance than the Constitutional Act, and therefore beg to append them to this Report, marked F.

By section 8, as quoted by his Excellency, it was declared, "that to the end that our said Executive Council may be assisting to you in *all affairs* relating to our service, you are to communicate to them such and so many of our Instructions, wherein their advice is mentioned to be requisite, and likewise all such others from time to time as you shall find convenient for our service to be imparted to them."

Upon an examination of the Instructions themselves, it appears that this is a *garbled* extract; for in the Instructions the words are, "You are to communicate such and so many of *these* our Instructions," &c. Your Committee cannot but notice that the omission was calculated to favour the inference which his Excellency was wishing to draw. From this extract it appears that the Executive Council was to be *assisting* to the Lieutenant-Governor "in *all affairs* relating to the King's service," an expression which his Excellency, in doctrine and practice, has construed to mean "*a few affairs* relating to the King's service."

As the Council were to be assisting "*in all affairs*," the communication to them of the Instructions, or any part of them, could not be intended to limit a duty, already so largely and

and expressly prescribed, especially as the communication was to be made, "*to the end, that they may be assisting in all affairs,*" but was merely to give the Council such and so many of the King's Instructions as were necessary to enable them effectually to advise upon those affairs respecting which the King had in His Instructions imparted His precise pleasure; for without such a communication of the Instructions, the Council might, from ignorance of them, adopt a course unintentionally opposite to them. It appears, therefore, to your Committee, that even according to the Instructions so *illiberally* and *unfairly* construed by his Excellency against our just rights, the Executive Council were generously intended by His Majesty's Government to advise upon "*all affairs,*" and that the Instructions were communicated merely to enable them to do it.

Report of Committee to Commons House of Assembly.

The oath taken by the Executive Councillors (of which a copy, hereunto annexed, duly certified in the Appendix, marked G.) is equally comprehensive. It is the same as the Privy Councillor's oath. Your Committee would ask, does not the Privy Councillor's oath prescribe his duties?—Are there any important duties incumbent on him which he is not sworn to fulfil? The oath being the same, the Executive Councillors are therefore bound by their oath to perform the same duties that the Privy Councillors (including His Majesty's Cabinet Councillors) are bound by their oath to discharge. His Excellency, nevertheless, in one of the communications which he has made to the people of Toronto, and which was plainly intended for *popular effect*, says, that it is, in his *judgment*, "*an oath of non-responsibility to the people;*" so that, according to his Excellency's views, *His Majesty's Cabinet Councillors are sworn not to be responsible to the people!* It may be worth while to notice for a moment the resemblance between the Executive Council and His Majesty's Privy Council: both are appointed by the King, and both are removable at pleasure. The members of both are indefinite; the King may increase or diminish them at His pleasure. Privy Councillors are appointed without any commission, merely by nomination and taking the oath of office; so are Executive Councillors. In some cases the King is required by express enactment to do certain acts "*with the advice of the Privy Council,*" that is, not contrary to their advice; in like manner the Lieutenant-Governor is expressly required in some cases to act only "*with the advice and consent of the Executive Council.*" The Privy Council is appointed for the affairs of the Kingdom; the Executive Council is appointed for the affairs of the Province. The oath of office of the Executive Councillors is copied from that of the Privy Councillors; so that the former are sworn to perform the same duties as the latter.

Finally, the King is no more bound by any express law to consult the Privy Council on all affairs of his Government, than the Lieutenant-governor is bound by express law to consult the Executive Council on all affairs of his government: neither is the King any more forbidden to act without advice or upon the suggestions of secret and irresponsible advisers in the government of his kingdom, than the Lieutenant-Governor is forbidden to govern the province upon like advice. And his constitutional advisers, the members of the Privy Council, are no more responsible for the advice they give to him, than the members of the Executive Council are responsible for the advice given by them to the Lieutenant-Governor.

Where, then, is the difference between the Privy Council in the United Kingdom and the Executive Council here? Is not the advice of such a council as necessary for the Lieutenant-Governor as it would be for the King, if he were here? Is the *representative* of sovereignty so much *wiser* and *better* than the Sovereign *himself*; so much more thoroughly acquainted with the affairs of the country in which he is a stranger to its history, and to the habits and opinions, interests and sentiments of the people, than the King is acquainted with the people among whom he was born and educated? Has the Lieutenant-Governor, who expects after a few years to leave us, and whose future prospects and hopes, as well as past associations, give him a personal interest in a distant land, so much more at stake in the welfare of this country, than His Majesty has in the prosperity and happiness, and affection of His people, and in the honour and dignity of His Crown? In short, do history and experience teach us that a Lieutenant-Governor, at a distance of more than 4,000 miles from his superiors, is so much more immaculate and infallible than his Royal Master; that he does not require the same councils which the constitution considers, and which an experiment of ages proves to be necessary for the King himself?

Even his Excellency admits that His Majesty should, according to the constitution, be surrounded by advisers responsible to the country, and that the King must consult them in *all* the affairs of the Kingdom.

There is not an argument in support of the necessity of such a system that is not equally, if not more, applicable to this colony, where the relative weight and influence of the popular branch upon the government is so small compared with those of the similar body in the parent country.

That the affairs of the Kingdom should be conducted by the King, with the advice of known and responsible Councillors, is not a rule or proposition laid down in any statute, but is a principle that is an essential part of our constitution, and if that part is destroyed, the constitution is materially changed; it is no longer the British Constitution. This principle therefore has been established by the necessity of the cases; and the same necessity upon which it rests in the mother country exists here.

Your Committee will admit that this principle (in practice) has been hitherto disregarded in the government of this province; and what sort of government have we had? In what condition has it put us? Let the records of your Honourable House, the statements of Executive Councillors of different political opinions, the King's Instructions to Sir Francis

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Bond Head, and his own admissions answer. It has brought us (according to the Instructions) to "an era" of "great difficulty and importance;" and we find even Sir Francis Bond Head addressing the people in the following terms: "The *grievances* of this province *must be corrected—impartial justice must be administered*: the *people* have asked for it—their *Sovereign* has *ordained* it; I am here to execute his *gracious commands*—delay will only increase *impatience*. Those, however, who have long lived upon agitation, already too clearly see their danger; and with surprising alacrity, they are now taking every possible measure to prevent me from rooting up the tree of abuse, because they have built and feathered their nests in its branches."

Without remarking upon his Excellency's style, the Committee would observe, that in the estimation of the Lieutenant-Governor himself, the abuses of the government have become so extensive and deeply rooted, that agitators can actually live upon the exposure of them; although, how he would have been prevented from rooting up this tree of abuse, by receiving the advice and assistance of the Council, the Committee are at a loss to perceive.

It is to perpetuate and defend the system that has produced such effects, that his Excellency exerts all the energies of his mind, and all the power and influence of his high office and exalted station. It is to this system that his Excellency has avowed such an ardent and unalterable attachment.

That a Lieutenant-Governor should secretly countenance and cherish a system which leaves him entirely unchecked in the exercise of almost unlimited power, for which he is virtually irresponsible, is not surprising; and more than one Lieutenant-Governor, no doubt, while professing to maintain amongst us the principles of the British Constitution, has secretly adopted this unconstitutional system, because it extended his power, and enabled him to indulge his arbitrary will; but that his Excellency, at the very moment he admits and expatiates upon the abuses and grievances which it has produced, should announce his determination to continue it, and should gravely declare that the people of this province would be *ruined*, if they attempted to secure to themselves "*the very image and transcript of the British Constitution*," and that such a Constitution "would be productive of the most vicious effects," is indeed astonishing.

The views of your honourable House on the right and necessity of a responsible government, and of our provincial administration being conducted on the principles of the British Constitution, have been more than once clearly and fully expressed, sometimes to His Majesty, and sometimes to the Lieutenant-Governor; sometimes directly, and at others indirectly, as reference to your Journals will amply show; but in the Address to His Majesty, during the last Session [which Address is hereto appended, marked (H.)], this principle was again urged; and further, a distinct, but respectful intimation was also made, that the House would enforce their rights by the constitutional method of withholding the supplies for the support of the Government.

The following Extracts from the Evidence of James Stuart, esq., late Attorney-General of Lower Canada, before a Committee of the House of Commons, 21st June 1834, afford the opinion of an able lawyer, thoroughly conversant with colonial government:—

Question 1152. The Executive Council of late have practically had very little to do with the government of the colony?—**Answer.** It ought to have a great deal more to do with it. The insignificance to which it has been reduced, I conceive to have been the cause of much mischief in the colony.

Q. 1153. You consider it of utility to have a permanent administration?—**A.** I consider it should be placed on the footing of the Privy Council in this country, and consulted by the Governor on all important occasions.

To the following question, put by the same Committee in England to Sir James Kempt, he gave the following answer:—

Q. 134. If there was no Executive Council, and the Governor were left to govern without any such Council, would it, in your opinion, remove very much of the state of irritable feeling existing between this part of the Legislature and the King's Government in the colony?—**A.** I have not given my attention sufficiently to this question to be able to answer it; but my impression is, that an Executive Council is necessary for the good government of a colony.

The Right honourable E. G. Stanley, a Member of the Imperial Parliament, and lately His Majesty's Principal Secretary of State for the Colonies, who also spent some time in this province, thus expresses himself respecting the Executive Council, in a letter addressed to Dr. W. W. Baldwin—[The autograph letter is among the records of your honourable House]—"I do, however, think that something might be done with great advantage, to give a *really responsible character* to the *Executive Council*, which at present is a perfectly anomalous body, hardly recognised by the Constitution, and effective chiefly as a source of patronage."

Mr. Stanley also says,—

"The remedy is not one of *enactment*, but of *practice*, and the constitutional mode is open to the people of addressing for the removal of the advisers of the Governor, and refusing supplies, if necessary, to enforce their wishes."

It will be observed that Mr. Stanley says, "the *remedy* is not one of enactment, but of practice;" that is, the Constitutional Act is sufficient in enactments for every thing required;

required ; all that is necessary is, that the provisions of the Constitution should be honestly put in practice.

While his Excellency declares that the Executive Council have no responsibilities, and are not recognised by the 31st Geo. 3, c. 31, Sir John Colborne, in a message to your honourable House, on the 20th February 1835, in terms almost directly contradicting the puerile views of his successor, states, "That the *responsibilities* under which the Executive Council discharge their important and confidential duty, depend upon the *principles of our Constitution*, and *upon the law of the land*."

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The public documents and records of the province abound with expressions proceeding from Lieutenant-governor Sir Peregrine Maitland, recognising in the fullest manner the possession, by the people in this province, of the *British Constitution*.

Your Committee beg to give the following as a specimen, in answer to John Hurston and others, in the Newcastle district, published in the Official Gazette of March 2d, 1826 :— "That I may rely on your steady and cordial support in maintaining that *unrivalled constitution*, of which the excellence has been proved by the *experience of ages*, and which those who can best appreciate it, as you do, will ever be found ready to vindicate and defend."

Again, in another reply of the same date,—

"You set, gentlemen, a just value on your *possession of a constitution*, the *most perfect in the world*; and it is no small satisfaction to me to reflect, that with the vivid recollection which you retain of its *blessings*, in the happy country you have left, your firm and loyal support will never be wanting," &c.

Your Committee would affirm, that the *principles* of our constitution, as well as the law of the land, alike require their advice to be given "upon the affairs of the province."

Your Committee have appended to their Report [see Appendix; marked (I.)], the Address passed in the last Session of the late Parliament (with the yeas and nays), to His Majesty, against the interminable interference from Downing-street in the management of our local affairs, which should be conducted by the Lieutenant-governor and the Executive Council in harmony with the Provincial Legislature. Although the late Parliament differed from the present in its views and policy, yet it was unanimous in the adoption of the above remonstrance. These views are corroborated by J. Stephen, esq., late Counsel to the Colonial department, and now, it is said, Under Secretary of State for the same. In his examination by the Canada Committee of 1828, he was asked, "Is it your opinion, that upon all those questions, complicated as they are, with regard to the tenure and transmission of property, the Colonial Legislature, with the advantages of their local knowledge, are much more competent to decide than the British Legislature?"

To which he answered :—

"I cannot suppose any man at all conversant with the subject hesitating respecting the answer to that question; except there be a well-founded distrust of the disposition of the Colonial Legislature to do right, no plausible reason can, I think, be suggested for taking this work out of their hands. They are incomparably better qualified for it than you can be. What should we think of the Canadian Assembly passing Acts for the improvement of the law of real property and conveyancing in this country! Yet, I suppose, they understand our system of tenures at least as well as we do theirs."

Now it must be presumed that Mr. Stephen, whose views against the unconstitutional interference of the British Parliament with the appropriate duties of our local Legislature, are so liberal and enlightened, would be equally opposed to any usurpation of the duties of the Executive Council; for assuredly resident gentlemen, selected by his Excellency at pleasure for their talents, integrity and public estimation, are "incomparably better qualified for it" than distant strangers, with even the best intentions. It is enough for them in Downing-street to attend to the matters reserved in the 31st Geo. 3, respecting Navigation and Commerce.

These views of the sufficiency of our own institutions, and the expediency of making them subservient, as they were intended, to the purposes of our local concerns (with the sole exception of those special matters, expressly reserved, by the 31st Geo. 3, for the paramount authority of the parent State), are confirmed by the evidence of the Right hon. Edward Ellice, a Member of the British House of Commons. In giving evidence before the Committee of 1828, he was asked, "You have said that your application was referred to the consideration of the Executive Council; of whom does the Executive Council consist?" To which question he answered, "The Council consists of the Chief Justice and other persons, *whose duty it is to advise the Governor with respect* to the administration of the country."

The same distinguished person, alluding to some difficulties he had experienced in obtaining some change of tenure in property he holds in Canada, says, "It arose probably from a very general cause of difficulty in that country—a dread on the part of the local authorities to act upon their own responsibility, complaining of defective instructions from home; and this, aggravated by perpetual reference backwards and forwards from the Government to the Colonial Secretary, in the hope that they might at last agree upon the means of executing the provisions of the law."

This transatlantic system, popularly called *Downing-street law*, to distinguish it from the free and constitutional operation of our local Government, is further condemned by the same statesman in the following illustrations collected from his evidence before the same Committee.

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Alluding to the imposition in Canada, by the British Government, of customs duties, he says, "I am aware that the greatest possible objections exist in principle to their doing so; but I am also aware that, in point of fact, they have got over those objections, and by the Canada Trade Act have imposed duties to an extent quite equal to the expense of the civil government of both provinces, without consulting either of the Provincial Legislatures."

"The Canada Trade Act, for this purpose, had been passed three years before the arrangement with the Canada Company."

Again—"Certainly the Canadians complain with apparent reason of some part of the conduct of Government. An English receiver is appointed, insufficient securities being taken in England: the Assembly suggest the regulation of his office, and subsequently, I understand, Bills were sent up in the terms of a Bill passed in other colonies for this purpose: they are told this is an encroachment on the prerogative of the Crown, and their Bills are rejected. The receiver had previously failed in debt to the public about 100,000 £; and when they say, 'As you made the appointment yourselves,' took your securities in England, and rejected our advice, it is fair you should pay the defalcation, Government insist upon their laying fresh taxes on their constituents for it. In the same manner they allege they have sent up Bills for the regulation of the office of sheriff; that these also were rejected, and two following sheriffs have failed; the one a defaulter of suitors' money to the extent of 27,000 £, and another for a less amount. These are not theoretical, they are practical evils, and form just grounds of complaint."

Again—"The Governor was instructed to supply the want of an Appropriation Bill by his own warrants on the receivers, to whom the taxes are paid under the provisions of the Canada Trade Act; but it would be difficult to find out by what law such instructions are sanctioned. This has been the course of proceeding from 1822 to 1828, and it is much to be deplored that Government should have persevered so long in measures which, however much they may plead the excuse of pressing emergency in the first instance, were illegal and offensive to the rights and feelings of the people. If no remedy was obtainable in Canada, an appeal should have been sooner made to Parliament, and that sore should not have been allowed to fester till the English and the French population have been almost brought into collision, and a wider separation between them in opinion and all matters of internal government and legislation been rather encouraged than checked. Assembly after Assembly have been called together, in which the local authorities have wisely persevered in attempts to carry their measures by a minority at no time exceeding 10, and seldom half that number, in a body of 50 representatives. And the Committee must always recollect the continuance of these dissensions has inflamed trivial differences on immaterial points at first into serious additional causes of difference and misunderstanding, which it is not easy now to foresee the means of allaying or removing."

Again—"I wish to add, that in any thing that may have fallen from me in the course of these examinations, I have not had the least intention of imputing blame to any persons connected with the Executive Government in either province. I believe they have acted under instructions from this country, and that the difficulties they have had to contend with, and the discussions in which they have been involved with the Colonial Legislatures, were the inevitable consequences of a determination to persevere in the system of government I have described to the Committee, and which could scarcely have been avoided while that system remained unreformed and unimproved." And to the following question, "Do you conceive it would be possible to form a representation upon the principle of admitting some of the great towns as independent bodies into a confederation, such as exists in the north of Germany?" To which he answered, "I am afraid it is too late to attempt the introduction of new principles of that kind in America. You must either improve the *system* that exists on the model of our *institutions* at home, or copy from the simple forms in practice in the United States. No other method will be congenial to the habits of the English or American *inhabitants of Canada*."

The political condition of Lower Canada, as above depicted by the Right hon. Edward Ellice, is too applicable to our own country. "It is with grief," as a Resolution of your honourable House has expressed it, "the country has seen the improvident contract under which the Huron tract of a million of acres of choice lands has been assumed to be given, at an almost nominal value, to a Company in London; while the annual instalment paid by them is expended by the Provincial Executive without the consent of Parliament, and the large amount realized by the Company from sales at a very advanced price, are withdrawn from the colony, and transmitted to England. This improvident transaction, unsanctioned by any domestic enactment, ought to be held invalid, particularly as it was a transaction based in no degree upon the good of the Colony, whose lands are thus wastefully assigned. The Charter and all the Statutes connected with it are a violation of the 18th Geo. 3, and our Constitutional Act."

The law passed by the British Government for the sale of our clergy reserves, is a further illustration of the system of government over us by a Lieutenant-governor, in unchecked connexion with Downing-street. Under this law, enacted by the British Parliament without our knowledge or consent, more than 60,000 £. have been raised by the sale of clergy reserves, abstracted from the country, and paid into the military chest, instead of being applied to the purposes of education and internal improvement. In a subsequent part of this Report, this subject will be again adverted to; but at present your Committee simply mention the fact, and also that within a short period 57 rectories have been erected and endowed. The British Act, it is presumed, inserted the condition "by and with the advice
and

and consent of the Executive Council" as a security to the country against any abuse of the power it gave; but such a precaution is of no practical avail with an insufficient Executive Council; and it is plain that the above-mentioned outrage upon the whole community could not have occurred had we enjoyed what is sought for and denied, a well-constituted Executive Council possessing the confidence of the country.

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Now it has been simply proposed, adopting Mr. Ellice's views, to improve our system here, on the model of the institutions in England, by proposing that the Executive Council shall advise the Lieutenant-governor on our affairs as freely as His Majesty's Council advises the King; but the industrious classes are told by his Excellency that "the wish, if gratified, would be ruinous," and that the 31st Geo. 3, "has ordained no such absurdities."

In giving an aggregate account of the opinion entertained upon the constitutional duties of the Executive Council, by the most thinking men of all political parties, your Committee, although desirous of abridging their Report as much as possible, will not omit to notice a document from Lower Canada, which is headed a "Declaration of the causes which led to the formation of the Constitutional Association of Quebec, and of the objects for which it has been formed," in which we meet with the following pertinent remarks:

"In every well-regulated government it is essential that the executive authority should be aided by the advice of able and well-informed individuals, acting together and in a body, by which sound discretion, uniformity, consistency and system are imparted to its measures. Among Colonial Governments, which are generally administered by persons labouring under the disadvantages of a deficiency of local information, assistance of this nature is *indispensable* for the attainment of the ends of *good government*. *This body of advisers ought to be found in the Executive Council of the province*; but its members are too few in number, and its composition too defective to answer the purposes of its institution." Under the foregoing view, it will be observed that the association contemplate, by constitutional means "to obtain such a composition of the Executive Council as may impart to it the efficiency and weight which it ought to possess."

The above Quebec "Association" is not composed of the Reformers in Lower Canada, with whom Mr. Speaker, Papineau's name is usually connected (although the Reformers there entertain the same views), but of gentlemen of wealth and influence, known by the name of Constitutionalists or Conservators, directly opposed to that party. It is therefore the testimony of persons avowedly determined to sustain the constitution against any of the modifications held by the other party to be necessary and expedient.

Your Committee would here subjoin the following all-important and liberal views of policy, expressed by the Canada Committee of the House of Commons, in the year 1828, arising from a thorough understanding of the state and wants of these Colonies, set forth in the voluminous and unquestionable testimony of persons best conversant with the subjects of the Committee's inquiry:

"Your Committee lament that the late period of the session in which they were appointed, has rendered a minute investigation into all parts of the subject submitted to their inquiry impossible. They believe too that if the legislative assemblies and the *Executive Government* of Canada be put on a *right footing*, that means will be found within the province of remedying all minor grievances. They are disposed, nevertheless, to recommend that the prayer of the Lower Canadians for permission to appoint an agent in the same manner as agents are appointed by other colonies which possess local legislatures, should be granted, and that a similar privilege should be extended to Upper Canada, if that colony should desire it.

"At an early period of their investigation, your Committee perceived that their attention must be directed to two distinct branches of inquiry: First, to what degree the embarrassments and discontents which have long prevailed in the Canadas, have arisen from defects in the *system of laws and the constitutions established in these colonies*. Second, how far those evils were to be attributed to the *manner* in which the *existing system* has been administered."

"Your Committee have clearly expressed their opinion that serious defects were to be found in that *system*, and have ventured to suggest several alterations that have appeared to them to be necessary or convenient. They also fully admit that from these, as well as from other circumstances, the task of government in these colonies (and especially in the Lower Province) has not been an easy one; *but they feel it their duty to express their opinion* that it is to the *second* of the *causes* alluded to that these *embarrassments and discontents* are in a *great measure* to be traced. They are most *anxious* to record their *complete conviction* that *neither the suggestions they have presumed to make, nor any other improvements in the laws and constitutions* of the Canadas, will be attended with the desired effect, unless an *impartial, conciliatory and constitutional system of government* be observed in these *loyal and important colonies*."

The remedy here proposed as an antidote to the evils existing in the government of the Canadas, emanates from a spirit breathing forth the purest patriotism, the result of a thorough understanding of all the bearings of the subject-matter of inquiry, and is at once an appeal to the best feelings of our nature.

Had there existed any defects in the system of our laws and constitution, the Committee would at once have recommended an amendment or revision of them; but aware that nothing was wanting but an open, ingenuous and equitable administration of those

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statutes, they are brought to the only plain and obvious conclusion that could be attained.

All colonial ministers, since the date of that Report, have professed an intention to be guided by its recommendations; the famous Despatch of Lord Goderich, of 8th November 1832, is professedly based upon it, and *his present Excellency has it pointed out to him as one of his text books.*

It is to your Committee passing strange that, notwithstanding the above Report is held forth to us, sanctioned by such authority, a temerity of conduct, bordering on a recklessness of consequences, should be allowed by its noble possessor to give cause for suspicion and distrust towards the intentions of His Majesty's Government. Had his Excellency, instead of the course he has been pleased to pursue, been implicitly guided by the recommendations contained in the above extract, he had then established confidence, and an assurance of equitable administration; but when, instead of which, he has taunted the province upon its infant condition, and appears, in the illustrations he has given, to have had in his mind's eye the fable of the young frog and the ox, what assurance have we, that, governed in the "manner" we are, we shall ever arise from our present degraded condition?

And your Committee are led to the conclusion, from a careful observation of things, that the policy apparently intended to be pursued by the present head of our government and that of Rehoboam, as recorded in the 12th chapter of the First Book of Kings, to be very similar.

The Executive Council therefore are established by law, under constitutional responsibilities, to advise "upon the affairs of the province," and to be assisting to the Lieutenant-governor "in all affairs relating to the King's service;" and in favour of this proposition we have, in whole or in part, the concurrent testimony against his Excellency of the above overwhelming authorities, viz.—

1. The Constitutional Act.
2. Various British and Provincial Statutes referring to and recognizing the Executive Council of the province "appointed for the affairs of the province."
3. Governor Simcoe, and succeeding governors.
4. The Royal Instructions.
5. The Privy Councillor's Oath.
6. The general resemblance between His Majesty's Privy Council and the Executive Council of this province.
7. The nature and genius of our government, and the general principles of the Constitution.
8. The House of Assembly.
9. James Stuart, Esq.
10. Sir James Kempt.
11. The Right Honourable Lord Stanley.
12. His Excellency Sir P. Maitland.
13. His Excellency Sir John Colborne.
14. The late Executive Councillors.
15. The Report of the Canada Committee of 1828.
16. The Right Honourable Edward Ellice.
17. T. Stephen, Esq., late Counsel to the Colonial Office.
18. The Quebec Association.
19. The absence of any express provision of law or authority forbidding it.
20. The universal admission of all classes, parties, creeds and orders from 1792 until the arrival among us of Sir F. B. Head.
21. Lieutenant-Governor Hunter.
22. The debates in the British Parliament on the passage of 31st of the King.

In reference to the objection of His Excellency that "it must be evident to every *well-constituted mind*, that in an infant state of society it would be impossible *practically* to secure a sufficient number of impartial persons to effect a change of ministry as often as it might be necessary for the interests of the people to do so," (by the above, it will be observed that his Excellency, as in many other instances, has abandoned the constitutional object, and is endeavouring to sustain his positions on the principle of expediency) your Committee would state, that on general principles, the interests of the people could only require the removal of a council when there were other and better persons ready to fill their places; and until such other and better persons could be found, it is evident neither the people nor their interests would require or look for a change.

The moral and intellectual resources of this country are suited to its wants, and notwithstanding his Excellency's sneers, would lose nothing by a comparison with any other country; and in the opinion of your Committee it would be even easier to form councils from among the inhabitants of this province, adequate to its exigencies, than in England itself, for the vaster affairs of the empire. A really great man in this country would soon find the means to organize our institutions for the practical purposes of good government and peace of society.

Your Committee deny the pretended all-sufficiency of the Governor's liability to impeachment for mismanagement of our affairs, for the following reasons:

1st. Because, although such impeachment might be a punishment for maladministration after it was done, yet it affords no daily check or guard against it by means of advice or caution;

caution; and it seems to your Committee that the impeachment should at most be only resorted to after a Governor had acted wrong, with every local means afforded him to do what was right.

2d. Because the impeachment or complaint must be made by the injured person at a great distance, requiring a delay, expense and watchfulness, out of the reach of the power or means of the sufferer, who (if belonging to "the industrious classes,") might make out in writing a very informal or insufficient case, however clear its merits, or be unable to retain counsel and agents here and in England to conduct his suit. Limitation to such a remedy would practically be a denial of justice.

3d. Because the complaint would be made to a Minister in Downing Street, who is the patron of the Governor accused; and besides, the Governor has numerous friends on the spot to exercise every influence and interest in his behalf.

The weight of this reason is increased by the difficulty of proving any act to have been done from corrupt motives. Even if a presumptive case could be made out against a governor, it would be contended that a clear and positive one must be established before the consequences of impeachment could be visited on the accused; and how very many acts of misgovernment there are, in their nature vexatious and injurious, against which it would be difficult to fix the charge of corrupt motive, while it was palliated, evaded, or explained away as an error of judgment, the deceptive assurances of others, a misapprehension of circumstances, a mistaken policy, or the like. For instance, it would be in vain to proceed against the executive authorities for the erection (as hereinafter mentioned) of 57 rectories, and certain corrupt exchanges of lands, although opposed to the well-known sentiments and interests of a vast majority of the religious community. It would be equally vain to attempt to institute such proceedings for many appointments to office, as Surveyor-General, Colonels of Militia, the Commissioners of the Courts of Requests and other offices. It would therefore obviously place the country in a desperate condition, if the *only hope of preventing wrong being done*, was founded on an institution of an impeachment for it *after it was done*, before a patron of the wrongdoer, 4,000 miles off, defended by a person intrenched in power here, and sustained at home by family connexions, and the preservation of what is called *the Colonial system*. The House of Assembly of Lower Canada instituted a complaint of this nature against Lord Aylmer in a most solemn manner, and with great unanimity, for most arbitrary and unconstitutional misgovernment; but it only ended in his promotion to a higher post of honour. Although therefore an impeachment might be resorted to in extreme cases, yet it by no means supersedes the necessity of all local and constitutional checks, calculated to prevent cause for so difficult, painful and undesirable a course. This precaution against the occurrence of evil, instead of merely contriving how it can be punished by impeachment 4,000 miles off, is the more needed from the fact that this impeachment would yield no redress to the persons injured, even if it punished the persons injuring them. If all our local governors were impeached, and all their estates confiscated, it would not repair the injuries of the most notorious nature; besides thousands of just complaints murmured only in secret, and either endured with patience, because the remedy proposed would be worse than the injury, or because, what is notoriously true, to prefer a complaint, however just, against a governor, ensures a black mark against his name as a troublesome, a factious, or undeserving man, whose future hopes are blasted, and his oppressions multiplied at every favourable opportunity, in various ways, that elude all proof and conviction. What could be done to redeem the injustice against Gourlay, Willis, the late Robert Randal, Francis Collins, and others? And if an insufficient blustering pretender to learning should be made a Judge, and an innocent person be convicted thereby and executed, he could not by impeachment be restored to life. Your Committee therefore desire again to reiterate their conviction that this alleged liability to impeachment for misgovernment, was never intended, and ought not, to supply the place of an efficient state of these institutions, wisely provided by law, not to punish but to prevent wrong; a course as desirable for the parent State as for the Colony; and although his Excellency has been pleased to state to the citizens, in answer to their address, his unwillingness to be deprived of "the only consolation which supports any honest man in an arduous duty, viz. the reflection that he is ready to atone for every error he commits, and that he is subject to arraignment if he offends;" yet this consideration, either as a motive or a remedy, is so false in morals and so puerile in political affairs, as not to need further commentary. No better guard against both corrupt and unintentional misgovernment can be devised with our present constitution, than an efficient Executive Council, composed of persons of established character, to advise the Lieutenant-Governor upon public affairs.

4th. Because there are such changes of Colonial Ministers, that there might be half a dozen in succession before a suit could be conducted to a conclusion; and the justice done by one Minister is often undone by another. For instance, in Lower Canada, Mr. Gale, who gave such evidence before the Canada Committee of 1828 as to oblige the Right Honourable Mr. Spring Rice to pronounce him unfit for any office of trust, was appointed a Judge by Governor-General Aylmer, whose active partisan he had been.

When the news of this appointment reached England in the autumn of 1834, Mr. Rice had become Colonial Secretary, who addressed a despatch to Lord Aylmer, saying he could not confirm Mr. Gale's appointment. Mr. Rice was soon succeeded by Lord Aberdeen; and therefore Lord Aylmer, disregarding the commands of Ex-minister Rice, and the known sentiments of the people and their representatives, procured from the successor of Mr. Rice a confirmation of Mr. Gale's appointment, who is still on the Lower Canada

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Bench, although Mr. Spring Rice, on the 9th March 1835, being again in power, in a speech in the House of Commons, reiterated the denunciation of Mr. Gale as an improper person to occupy that station.

Your Committee find the same doing by one Minister and undoing by another, in the affairs of our own province, which is unhappily misgoverned by the same policy under the same Constitutional Act; for instance, the late Attorney-General and Solicitor-General were dismissed from office, according to Lord Goderich's despatch, because they opposed the avowed policy of His Majesty's Government in making certain concessions to the wants and wishes of the people; nor did his Lordship seem at all to notice the personal indignity they had audaciously offered to himself even as a Minister of the Crown; but no sooner was Lord Goderich succeeded by Lord Stanley, than the decision of the former in favour of the rights and liberties of the people, was by the latter cancelled, and the Solicitor-General put back again into office, to the great dissatisfaction of the country, and the Attorney-General sent as Chief Justice to Newfoundland to create new scenes of trouble and dissension there.

5th. Because when, in the year 1831, His Majesty suggested a further provision for the Civil List, which the Colonial Minister required to be made *for seven years or for the life of the King*, the terms of the proposition were not candidly submitted to the House of Assembly, but were suppressed for the purpose of securing a *keen bargain*; and for his boasted adroitness in managing it, his late Excellency was officially commended. This undue and impolitic concealment, so unworthy a great and magnanimous government, was practised with the aid of executive influence to carry a measure injurious to the constitutional liberties of the people; but the uselessness of any complaint against a government for such unworthy policy is apparent when we see, as in this case, that such liberal instructions are violated, and the mischief accomplished with impunity, although it merits disgrace.

Your Committee cannot, therefore, regard as satisfactory our mere nominal right to appeals to Downing Street, where the justest decisions in favour of our rights by one Minister, are with seeming indifference and impunity reversed by another.

6th. Because this pretended responsibility to Downing Street has been in full operation for nearly half a century, and we have therefore against its sufficiency the uniform testimony afforded by our misgovernment during nearly the whole of that period.

By this system we have been stript of the public lands and resources, and reduced to our present condition, and having thus suffered in the past, we cannot look for better in the future, if we submit to a continuance of the same system as has brought such a visitation upon us.

7th. Because although his Excellency professes to be responsible to Downing Street for the Executive Council as well as for himself, yet it is, according to his Excellency, "unreasonable that one man should have to bear another person's blame."

The professed responsibility of his Excellency for the acts of the Council, in case of default on their part, is novel indeed. Your Committee can understand well enough how the adviser becomes responsible for the acts of the advised; but how the actor can become responsible for the advice on which the act was founded, is beyond their comprehension.

A comparison of our constitution with that of the parent State justifies the language used by Simcoe respecting it. In England they have a King; in Canada we have his representative. In England they have a House of Lords created by the King; in Canada we have as a substitute a Legislative Council created by the King. In England they have a House of Commons elected by the people; in Canada we have a House of Assembly elected by the people. In England the King has a Privy Council to advise him upon the affairs of the empire; in Canada he has an Executive Council to advise him and his representative upon the affairs of the province.

This is emphatically the "very image and transcript of the British Constitution." But it becomes a mutilated constitution, and a sorry one indeed, when Sir Francis Head obliterates the Executive Council, or makes it, in his own language, "mute," "defenceless," "irresponsible," "sworn to be dumb." That the King, Lords and Commons, and Cabinet Council perform certain acts in England that are not authorized to be done by the Lieutenant-Governor, Legislative Council, and House of Assembly and the Executive Council of the province, your Committee do not deny; for instance, the Parliament of Great Britain legislate for the empire, and for the regulation of trade and commerce, &c. with other nations, and the Cabinet Council advise the King relative to the negotiations going on abroad, as well as for the welfare of the local affairs of the kingdom, and the appointment of certain high and important offices; while in Canada the legislative duties of the Parliament are more of a local nature; and so with the matters to be advised and consulted by the Executive Council, it must be clear that it no more follows, because the Executive Council are not to be advised on precisely the same matters that pass under the revision of the Cabinet Council, that they are not to advise at all, than it follows that the legislature here are not to legislate on any matter because they are not allowed to legislate on all, or precisely the same matters that are considered in the British Parliament.

It will be observed that his Excellency allows that "if the Lieutenant-Governor stood in the place of the Sovereign," an Executive Council, or some such body would be "evidently necessary, and should be appointed," with whom he should advise; he further states, that "this is not the case," but that "the Lieutenant-Governor is therefore the responsible minister of the colony," if, as his Excellency says, he is the responsible minister of the colony, "it must be evident to every well-constituted mind" (on the principle of a responsible Ministry in England) that he ought ere this to have retired from his office, for nothing

is more clear than that he does not possess the confidence of the people's representatives. The responsible minister in England would be disgraced by attempting to continue in office for one single day after losing the confidence of the House of Commons; so if he be merely a Minister, he does not do as other ministers do; but it is beyond contradiction that he is something more than a minister. Whoever heard of a minister in England doing and performing the acts that the Lieutenant-Governor is authorized to do and perform here, both by the 31st of the King and the Royal Instructions? By reference to the Instructions it will be observed that the Government of the Province is spoken of as the Government under the Lieutenant-Governor no less than five times; in section 9, the words "*in your Government*" are used; in section 45, the words "*throughout your Government*" are used; in section 62, speaking of both provinces, the words "*their respective Governments*" are used; section 63 is as follows: "And you are upon all occasions to send to us by one of our Principal Secretaries of State, a particular account of all your proceedings, and of the condition of affairs *within your Government*."

The above most surely supposes discretionary power in the administration of the affairs of the province, for if nothing was to be done but what was contained in instructions sent out from home, there would be no use of transmitting a particular account of proceedings, as they would know for months before they could be performed; but the 59th section is quite conclusive on the point, and goes clearly to show that the Lieutenant-Governor is something more than a mere minister, and which clause ought in common fairness to have been quoted by his Excellency with those he did quote in answer to the Council. By it, then, his Excellency, *with the advice of the Executive Council*, may take order, do and perform all such matters and things as are for the peace, welfare and prosperity of the country; in short, may even *declare and commence war*. It is as follows: "If anything shall happen which may be of advantage or security to *our province under your Government*, which is not here contained (or by your commission provided for), we do hereby *allow* unto you, with the *advice and consent* of our said Executive Council, to take order for the present therein."

It will be observed that no minister is even authorized to do what his Excellency may do; he calls together the Parliament, and opens and closes it with a most gracious speech from the throne; he prorogues or dissolves Parliament; he gives the Royal Assent to Bills, by which they become laws; he appoints to and dismisses from various offices; no petition or remonstrance is received and acted upon by the King (not even from the House of Assembly) except transmitted through him; he may even declare and commence war.

Your Committee will not believe that any one possessing "a well-constituted mind," will deny that he stands in need of the best advice possible to be obtained, to enable him "impartially" to perform all those duties, and which the Constitution has wisely provided.

It was recommended, as a remedy for prevailing and increasing grievances, that the Executive Council should be allowed to advise the Lieutenant-Governor upon public affairs before he acted on them; and this might be hoped to be a remedy, because if good advice were given, it would (it must be presumed) be adopted; and if bad advice were given, it would be rejected or corrected. This doctrine is pronounced by his Excellency to be so unconstitutional, vicious and theoretical, as to prevent his retaining the late Council in his confidence, unless they retired from such principles. Your Committee, in giving a free and frank report upon this important question, are obliged to express their belief, that his Excellency was not so much shocked at the doctrine, as he was averse to its practical bearing against his own arbitrary pleasure; and they have come to that conclusion for the following reasons:—

1st. Because his Excellency compares his late Council to "a sterling fund, upon which he can constitutionally draw whenever embarrassment requires it."

The objection, therefore, is not made so much against having councillors, as against taking their counsel till *driven by embarrassment to do so*; of which embarrassment he claims to be the sole judge; although it does seem to your Committee inexpedient and unreasonable that his Excellency should pursue his own unadvised pleasure in every thing in government that is gracious, acceptable and popular, and only bring his Executive Council into the field whenever the pursuit of such unadvised pleasure has produced embarrassment, odium, or difficulty.

2d. Because the Lieutenant-Governor admits, that "to enable him to perform the arduous duties of his office, the Constitution has wisely provided him with an Executive Council, competent to supply him with that local knowledge in which he may be deficient, and to whom he may apply for counsel and advice." Thus he admits the wisdom of the institution, and the purposes for which it was provided; but he avowedly wishes to make an experiment (at the expense of the country) of the extent to which he can carry on his government without their aid.

3d. Because he admits "the advantage of such a Council to a Lieutenant-Governor is so self-evident, that he must be weak and self-sufficient indeed who does not continually have recourse to it."

Thus the advantage is fully admitted; but his obvious repugnance is against availing himself of that advantage oftener than he may please; and with his late Council, for the three weeks they were in office, *he did not please to do it at all*; he admits the advantage of such a help, but he repels the proposition to receive it before "embarrassment requires it," when it might be too late to remedy the evil.

4th. Because he admits that the Executive Council "strengthens his judgment;" but he betrays repugnance against the proposition to strengthen his judgment when he happens to

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think it strong enough without it, or to confer dignity on his proceedings when he thinks them dignified enough without it; but he wishes the strength to be reserved until embarrassment requires it.

5th. Because he states that the Executive Council should constitutionally "serve him (the Lieutenant-Governor), not them" (the people.)

But the repugnance betrayed is against being served by them in the public affairs until he thinks "embarrassment requires it."

6th. Because he had promised his late Council "to treat them with implicit confidence;" but his repugnance is against its being so *implicit* as to be received upon public affairs before "embarrassment requires it."

7th. Because his Excellency mentions the willing approval by the late Council of the very first suggestion he made to them, namely, "that no important business should be commenced in Council until they, as well as the Lieutenant-Governor, had become mutually acquainted with their respective duties." Thus, important business, it is admitted, was to be commenced, but the complaint is that it was commenced too soon, viz. "before embarrassment requires it."

8th. Because in his answer to the citizens he says, respecting the present Executive Council, "I shall consult them as unreservedly as I had promised to consult those who have just resigned."

Thus it appears he had promised to consult them *unreservedly*, but he claims the *reservation* to consult them only at his pleasure, viz. "when embarrassment requires it."

9th. Because his Excellency asks the citizens, "Why then should my Council, whose valuable advice (if it were not forced upon me) I should be most anxious to receive, be required to demand of me my responsibility?" Thus it appears that the objection is not against a Council, but against their advice being "forced upon him," when he thinks he needs it not; viz. before "embarrassment requires it."

From all which your Committee are obliged to report their belief, that his Excellency was not so much shocked at the doctrine of the late Council, as he was averse to its practical bearing against his own unadvised arbitrary pleasure, to draw upon their sterling fund only when "embarrassment requires it."

His Excellency, in his reply, objects to the views of the late Council, because "it would be evidently unjust towards him that he should be liable to impeachment for any acts but his own." But in the representation of the late Council, furnished your Honourable House by his Excellency, there is nothing which places things on such a foundation; they merely proposed to give advice upon public affairs preparatory to his Excellency's discretionary action upon those affairs. The acts of his Excellency would not be the less his own because he received good advice before acting; nor would he, under such advice, be less liable to impeachment, while he certainly would be less likely to deserve or incur it.

Your Committee regret to notice in his Excellency's answer to the city corporation, that he charges them with "begging leave to name for him other individuals for the station" (the Executive Council), because when so exalted a public functionary as the representative of His most Gracious Majesty is betrayed into misquotations or misrepresentations, manifestly not justified by the document from which they are professed to be taken with candour and truth, it is calculated to impair the weight and dignity of the high station, and induce by its pernicious example a laxity on such subjects in the public morals; for it is plain the City Council in their Address (in the Appendix marked D.) name no individuals, but leave his Excellency in the free exercise of the Royal prerogative to select any suitable Councillors from the province at large.

In the same public document his Excellency further remarks, "The members of the late Council rest their claims very nearly on the following grounds, that the responsibility they assume, being a popular opinion daily increasing, is consequently the law of the land; and, secondly, that though the powers they require are nowhere expressed in the Constitutional Act, they were evidently intended to have been inserted." Your Committee are obliged to report that the above extract, given as the grounds assumed by the late Council in their representation, is neither candid nor warranted by facts.

The late Council plainly deduce their duties from the 31st Geo. 3, even without reference to the less desired, but not less forcible principles of constitutional right and civil liberty. How then can they be truly said to make the law of the land the consequence of popular opinion, or that their powers were only intended to be inserted in the statute, when they quote the statute in which the powers are actually inserted?

In the answer to the citizens of Toronto, his Excellency says, "With respect to my late Council, I regret, quite as much as you can do, their resignation; but before they took the oath of secrecy (which appears to my judgment to be an oath of non-responsibility to the people) I addressed to them a note which clearly forewarned them, as follows: '*I shall rely on your giving me your unbiassed opinion on all subjects respecting which I may feel it advisable to require it.*'"

Your Committee here notice, 1st, an alleged regret, 2nd, an alleged arrangement.

It seems impossible to reconcile this alleged regret on the part of his Excellency at their resignation with his own act obliging them to resign. The late Council were called upon "to retire from his confidence" if they did not "retire from their principles;" but they *could not retire from their principles*, and were therefore obliged *to retire from his confidence*. To present to the late Council a dishonourable condition upon which to remain in the King's service, and then allege regret at their declining that condition, by tendering their resignation, obliges your Committee to report their belief, either that his Excellency really felt no such

such regret as is alleged, or that he did not feel the repugnance honourably expressed by Mr. Baldwin "to the abandonment of principles for the sake of place."

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2d. There is an alleged arrangement. Now your Committee cannot but notice a want of candour in this matter. The terms "on all subjects respecting which I may feel it advisable to require it" (advice), are obviously indefinite, and could not, your Committee think, have been anticipated by any to mean "*no advice at all.*" If his Excellency intended the above as a mental reservation, enabling him to convert his Council into ciphers or mutes, he should not have coupled it with expressions implying the reverse; for in the letter from which this alleged arrangement is deduced, his Excellency assures them of his "implicit confidence." But it appears to your Committee that the circumstance of adding three new councillors, with the assurance to them of his "implicit confidence," amounted to an arrangement, a declaration of an intention to advise with them freely. "Implicit confidence" cannot be manifested by placing none; and when his Excellency's letter to Mr. Baldwin was publicly read by a Member in both Houses of Parliament, no one construed it to mean an arrangement not to consult the Council at all. Instead, therefore, of admitting that the late Council, as alleged by his Excellency, "altogether in a body disputed the arrangement," your Committee consider that they had rather cause to complain that the arrangement was broken by him; for the detention of them three weeks unconsulted in the Council in the most urgent season of business, was a palpable violation of the promise to repose "implicit confidence."

In his reply to the same address he adds, "I shall consult them (the new Council) as *unreservedly* as I had promised to consult those who have just resigned." This language shows that "he had promised unreservedly to consult his late Council," and such the public universally understood to be the case. But as his Excellency accepted the services of the late Council, and "with pleasure" promised to give them his "implicit confidence" and to "consult them unreservedly," your Committee notice with pain the inconsistency of such declarations with the attempt to criminate the late Council by misrepresenting them as having first voluntarily entered into an opposite arrangement, and then altogether in a body disputed it.

Your Committee addressed a letter on the subject to Mr. Robert Baldwin and Dr. Rolph, both of whom they have also examined. (See Appendix marked F.)

From the letter and evidence your Committee collect that no "such arrangement" as is alleged by his Excellency to have been "since disputed" ever was made, ("to give advice only when required"); that no such "forewarning" was given them, or professed to be given, or expressed, or implied; but, on the contrary, that the Councillors were told that his Excellency's doors were open for them to give advice on any subject at any time; that the letter now construed by his Excellency into such a limitation, was not the same in words or substance as the one arranged and promised to be given; that *although it is dated the day before the Councillors were sworn in, it was not delivered till afterwards*, when the changed features of the letter appear to have struck with surprise the persons to whom it was addressed, and which letter, from motives of delicacy explained in the evidence, was not returned, as its disingenuous application was not anticipated.

That the proposition out of which the letter grew *was not made till the negotiation was over*, and the three new Councillors attended, by previous desire of his Excellency, to receive a formal united invitation, and that *it then originated not with his Excellency, but with Mr. Baldwin.*

The statement, therefore, of his Excellency, appears in the same discreditable light, as the discrepancy between his denial to your Honourable House of any agreement between any members of the present Council respecting the contingent administration of the government in case of the Lieutenant-Governor's death or absence from the province, and the admission of the facts so denied by two of his present Councillors, Robert B. Sullivan, Esq. and the honourable Captain Baldwin. Indeed it is, if possible, worse, because the mistake is intended to criminate the late Council after their dismissal.

Your Committee feel bound to notice one other of his Excellency's *reasons*, by which he attempts to show that we would be ruined if we had the image and transcript of the British Constitution imparted to us. His Excellency, when replying to the citizens of Toronto, asks with apparent triumph, "supposing it were to be argued that four-fifths of the members of your House of Assembly ought immediately to be dismissed, because, in proportion to the population of Great Britain and Ireland, there exists five times as many members here as in the English House of Commons, would you not think it very irrational that this *noble but thinly-peopled* colony should be made the exact image and transcript of the British Constitution merely because Colonel Simcoe happened to use these words," &c. Without remarking on the strange idea of his Excellency making the people of a colony into a constitution, your Committee beg merely to give an extract from the remarks of Lord Grenville in the House of Lords in the discussion on the passage of the Act 31st Geo. 3, as a reply to the remarks of his Excellency, and the application:

"They did not mean to give Canada exactly the same Constitution, as for instance, 658 representatives. That was impossible in the nature of things; but their great object had been to adhere as nearly as possible to the purity and principles of the English Constitution in every part of the Bill."

His Lordship also said, "It was undoubtedly a mistake to suppose that any government was free only as it approached to democratic principles. Absolute monarchy, absolute aristocracy, absolute democracy, had, in the history of mankind, been tried in the scale of experience, and had been found wanting. Our own Constitution, which was compounded

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of these three, was the first in the world, and the envy of every surrounding nation. It was for that reason that they were now about to communicate the blessings of the English Constitution to the subjects of Canada, because they were fully convinced that it was the best in the world. The Legislature of Canada consisted of three parts, representing that of this country."

It is said in the reply, that "in government impartiality is better than knowledge, and it must be evident to every well-constituted mind, that in an infant state of society, it would be impossible practically to secure a sufficient number of impartial persons to effect a change of ministry as often as it might be necessary for the interests of the people to do so."

Upon the truth of this maxim, "in government impartiality is better than knowledge," your Committee forbear to offer any extended comment; but they cannot conceal their disgust at the offensive manner in which it is applied against the moral character of the people of this province. He appears to your Committee to have assumed the government with most unhappy prejudices against the country; for he alleges, certainly with very limited means of personal observation, that there is a lack of "*impartial persons*" to form a new Council on any occasional change; and your Committee lament to hear that his Excellency is surrounded by, and gives his credulous ear to, irresponsible and unworthy advisers, who poison his mind against the moral and intellectual merits of the people he is appointed to govern. In his reply to the address of the citizens, he expresses his estimate of the knowledge and taste of the public by condescending to "plainer and more homely language" (and both plain and homely enough it is); but besides thus reflecting upon Canadian understandings, his Excellency further impeaches their good morals, by declaring there are not "*impartial persons*" enough in the country to enable him to seek adequate changes in the Council. It thus goes to England with the highest official authority, that this is little better than a country of *rogues and fools*. In Canada his Excellency, with the temerity of a stranger and the assurance of an old inhabitant, presumes to testify that there is not a sufficient number with heads and hearts yielding knowledge and impartiality to aid the good management of our own local and internal affairs. Should the history of this colony be ever collected from the secret despatches in Downing-street (of which we have had frequent specimens), posterity will form a very erroneous and unjust estimate of the talent and virtues in the country; low indeed are we placed in the scale of human nature.

While engaged in preparing this Report, the attention of the Committee has been suddenly called to the documents referred to them on the 4th of April, respecting the erection and endowment of parsonages throughout the province, and the exchanges of different portions of the clergy reserves for other property, (which are hereto appended, marked P.)

From these documents it appears, that, within the past year fifty-seven rectories or parsonages, "according to the establishment of the Church of England," have been constituted in this province by the Government, under the Great Seal of the Province, and have been endowed out of the clergy reserves, in each case varying in general from 400 to 800 acres of highly valuable land, chiefly in old townships, and in some cases within towns.

To these rectories or parsonages ministers have been or are to be presented, as are their successors in future, by the Government, and they are, according to the thirty-ninth clause of the Constitutional Act, "to hold and enjoy the same and all rights, profits and emoluments thereunto belonging or granted, as fully and amply, and in the same manner, and on the same terms and conditions, and liable to the performance of the same duties, as the incumbent of a parsonage or rectory in England;" and the next clause of the Act provides for the exercise of "spiritual and ecclesiastical jurisdiction and authority," "according to the laws and canons of the Church of England;" under which clause of course Ecclesiastical Courts will be established, as no others can fully exercise such "spiritual and ecclesiastical jurisdiction."

Upon an examination of the instruments by which these rectories or parsonages are constituted, it appears that power is reserved to the Government of "hereafter erecting and constituting one or more parsonages or rectories" within the respective townships in which they are now by these instruments constituted.

According to the Act, the Government may endow these parsonages "from time to time," so that if the bold experiment succeeds which is now attempted, we may expect that the present parsonages will receive further endowments, and that the number of these parsonages will be multiplied amongst us beyond all present calculation.

It further appears that different clergymen of the Church of England have received from the Government, in exchange for their own private property, large quantities of the clergy reserves; for instance, the Rev. James Cogan surrenders 36 acres of lands in the township of Hope, with a messuage or dwelling-house and receives in exchange 1,020 acres, 400 of which are in the township of Hope, 300 in Cavan, 100 in Emily, and 220 in Seymour.

The Rev. Benjamin Cronyn surrenders four acres of land, with a dwelling-house, out-houses, offices and buildings, and receives in exchange 1,892 acres, of which 1,396 are situate in the township of London, and the remainder in Missouri.

The Rev. Francis Evans surrenders 50 acres of a clergy reserve, and 50 acres in Wood-house, without any house or building, and he receives 800 acres in Walpole.

The Rev. Philip Meyerhoffer surrenders the rear part of Lot No. 17, in the fifth concession of Markham, containing 70 acres, without any house or building, and he receives Lot No. 19, in the same concession of the same township, containing 200 acres.

All

All comment upon such transactions is superfluous. But most astonishing of all, Rear-Admiral Vansittart has been permitted to share in these good things for the benefit of the church, and has received in exchange for a house, two acres and two lots of land in Blandford, and 26 acres in Oxford East; 3,690 acres of valuable land!

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The land thus conveyed to them in exchange becomes their own property, and will not belong to their successors.

And all these endowments, and all these grants in exchange for messuages and lots of land, are in addition to the large regular allowance that is annually paid to them by the government out of public moneys of the province, without the knowledge or consent of the people and their representatives!

Thus, in one year, in contempt of all our humble remonstrances and earnest protestations against Church Establishments and Government patronage of religious bodies, *fifty-seven Government Parsons* have been established in this province, and endowed out of the clergy reserves, established and endowed under the Great Seal to give it peculiar solemnity, and if possible to make it irrevocable.

In this way has the Government opened a new source of political influence and power, and not only established a State Church amongst us, with "spiritual and ecclesiastical jurisdiction and authority," but a State Church of which the Government is the universal and sole patron, having the exclusive right of making the presentations or appointments of the ministers of these different parsonages.

It is with difficulty that the Committee suppress the strong feelings of disgust, indignation and astonishment, which these practices and proceedings of the Government are calculated to excite.

Year after year have the people of this province, and their representatives, been straining every nerve to procure the appropriation of the clergy reserves to some useful public purposes, in which all His Majesty's subjects might impartially and equally participate. Year after year have they solemnly and indignantly protested against the establishment of any State Church in this province. The people, from one end of the province to the other, again and again have petitioned the Provincial Parliament, the King, and the Imperial Parliament, on the subject. These petitions proceeded not only from the people indiscriminately and repeatedly, but also from different public bodies. The explicit and distinct representation on this subject of the Methodist Conference, in 1831, in their Address to His Majesty, cannot be forgotten, inasmuch as it produced a most offensive reply from Sir John Colborne, which caused much excitement and dissatisfaction at the time; and inasmuch as the observations contained in the Address on the subjects of applying public funds to the support of religious bodies or teachers, and of appropriating the clergy reserves to purposes of general interest, were distinguished for wisdom and truth.

And so late as 1832, petitions were transmitted to England, expressing similar sentiments on these subjects, subscribed by more than 18,000 of His Majesty's subjects in this province. In fact, all parties and all denominations on this matter have been agreed, and have so remained, with a unanimity and perseverance that is really surprising.

Equally decided and uniform have been the exertions of your Honourable House to effect the same object; and this has been the case, not only when one party prevailed, but also when its opponent had the ascendancy. They have repeatedly addressed His Majesty; they have also repeatedly exercised the powers given to them by the Constitutional Act, to repeal those parts of it which relate to the appropriation of the clergy reserves; although these bills, like many others ardently desired by the country, have been contemptuously rejected in the Legislative Council. So numerous and urgent have been these representations to His Majesty's Government, that the appearance, at least, of a favourable disposition on this subject was at length obtained from the Cabinet Minister.

In 1832, the House of Assembly were informed by his Excellency Sir John Colborne, in a message, dated 25th January 1832, that he had His Majesty's commands to make to it the following communication:

"The representations which have at different times been made to His Majesty and His Royal Predecessors, of the prejudice sustained by His faithful subjects in this province, from the appropriation of the clergy reserves, have engaged His Majesty's most attentive consideration.

"His Majesty has, with no less anxiety, considered how far such an appropriation of territory is conducive either to the temporal welfare of the ministers of religion in this province, or to their spiritual influence. Bound no less by his personal feelings than by the sacred obligations of that station to which Providence has called him to watch over the interests of all the Protestant churches within his dominions, His Majesty could never consent to abandon those interests, with a view to any objects of temporary and apparent expediency.

"It has, therefore, been with peculiar satisfaction, that, in the result of his inquiries into this subject, His Majesty has found that the changes sought for by so large a proportion of the inhabitants of this province, may be carried into effect without sacrificing the just claims of the Established Churches of England and Scotland. The waste lands, which have been set apart as a provision for the clergy of those venerable bodies, have hitherto yielded no disposable revenue. The period at which they might reasonably be expected to become more productive is still remote.

"His Majesty has solid grounds for entertaining the hope that, before the arrival of that period, it may be found practicable to afford the clergy of those churches such a reasonable

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and moderate provision as may be necessary for enabling them properly to discharge their sacred functions.

"His Majesty, therefore, *invites* the House of Assembly of Upper Canada to consider how the powers given to the Provincial Legislature, by the Constitutional Act, to vary or repeal this part of its provisions, can be called into exercise most advantageously for the spiritual and temporal interests of His Majesty's faithful subjects in this province."

Surely this was a pledge of no ordinary solemnity on the part of the Government not to proceed in opposition to representations which had at different times been made to His Majesty "by so large a proportion of the inhabitants of this province."

To establish and endow these rectories, in opposition to these representations, was as flagrant a violation of good faith as can well be imagined.

In Lord Glenelg's Instructions to his Excellency, it is distinctly intimated, that the disposal and appropriation of the clergy reserves are to be left, for the present at least, to the Legislature of the province. Under these circumstances, how can the proceedings of the Government in the formation and endowment of these rectories, and the exchange of lands (evidently a system of jobs) be reconciled with a decent regard to good faith and justice, to the interests of the province, or to the well-known and often declared wishes of the people? The reflections which such a question suggests are painful and mortifying.

Measures most deeply affecting the peace and happiness of the people, their opinions and feelings, are adopted, not only without their consent, but in opposition to their known and unanimous wishes. To continue our complaints seems equally wearisome and useless.

Lord Glenelg declares, in his Instructions to his Excellency, that "Parliamentary legislation on any subject of exclusively internal concern, in any British colony possessing a representative assembly, is, as a general rule, unconstitutional; and that to withdraw from the Canadian to the Imperial Legislature the question respecting the clergy reserves, would be an infringement on that cardinal principle of colonial government which forbids Parliamentary interference, except in submission to an evident and well-established necessity."

These are the professions of the Government, but what has been its conduct?

In 1827, an Act was passed by the Imperial Parliament, without even a pretended necessity, and without the consent or knowledge of the people of this province, or their representatives, authorizing the sale of a part of the clergy reserves in this province (not exceeding one-fourth), and withdrawing from the Canadian to the Imperial Legislature the question respecting the application of these funds to other purposes than their original object, such as the support of education, &c.

The same Act also authorizes the Government to accept in exchange for any part of the clergy reserves, from any person, any lands of equal value.

Under this Act *more than sixty-one thousand pounds*, abstracted from the small amount in circulation, to repay the hard-earnings of the people of this province, have been raised by the sale of land, and *paid into the military chest*, over and above all the expenses of selling the lands, &c., as appears from the official statement of the Hon. Peter Robinson, the Commissioner appointed by the Crown for these sales; an evil so great and palpable, that it was foreseen and pointed out by the Right Hon. Edward Ellice in 1828, who, in his examination before the Committee of the House of Commons on the Affairs of Canada, after describing the general and deep feeling which exists in this province, about the appropriation of these reserves, says, "Surely the framers of that Act must have overlooked the additional objection of draining, from the small capital of the country, any part of it for this invidious purpose."

Notwithstanding this caution, and although the law was a plain infringement of the principles of our constitution, recognised and admitted by them, the present *Ministry* are acting upon it, not only in selling these services, and "draining from the small capital of the country for this invidious purpose," annually, a large sum, but also in making these exchanges.

What a practical commentary is this upon the professions of a Colonial Secretary! Did the writer of Lord Glenelg's Instructions suppose that the people of this province were destitute of common sense and discernment?

The whole of the transactions to which we have adverted, respecting the clergy reserves, and the erection and endowment of parsonages, prove the necessity of having a responsible Government, and illustrate the importance of the great constitutional principles, for which the people and their representatives for a long time, and the Executive Council more recently, have been contending.

Your Committee have deemed it proper to notice this matter in the Report, as being a true commentary on the effect and working of the system heretofore acted upon, and now clung to by his Excellency, as if his very existence depended upon it, and who unblushingly declares, that without that system we are ruined. Now your Committee would ask, will any man pretend to say, that the endowing these parsonages was in accordance with the feelings, wishes, and interests of the people, or will they pretend to say that our Executive Council, possessing the confidence, and having an identity of interest with the great body of the people, would have advised such a step? A few seasons more of as favourable picking, and the remaining clergy reserves in the province will not be worth the asking, let alone contending for.

Until

Until the representative of the King in this province shall be surrounded by advisers sharing the views and possessing the confidence of the people, and their representatives, and shall freely and candidly and cordially consult them upon the affairs of the province, we must expect the same evils and the same grievances which have only increased from year to year, amidst the complaints of the people and the promises and professions of the administration. The necessity of insisting upon a constitutional and responsible government must be apparent to every candid man.

Your Honourable House lately addressed his Excellency on the subject of a supposed understanding or arrangement between two or more of the Members of the present Executive Council, as to the administration of the government in the event of his Excellency's death, which Address and Answer are hereto appended, marked (K.); in which answer his Excellency was pleased to intimate rather indignantly, that he knew of no such agreement, and in fact that no document of such a nature existed. The Hon. Robert Baldwin Sullivan, the presiding Member of the Executive Council, and the Hon. Captain Baldwin, however, informed the committee, as will appear by the minutes of their evidence, marked (L.), hereto appended, that a paper had been signed, whereby Mr. Sullivan had declared his intention, in the event of his Excellency's death, not to administer the government, although by the Royal Instructions, in such a case, the administration would devolve upon him, as presiding Councillor; but to resign his office, in order to avoid the administration of the government, *and that this paper was not only in existence, but was drawn up by his Excellency himself* in the Council Chamber, signed and delivered to Mr. Allan (the next senior member), in the presence of his Excellency and the whole Council.

The respect which your Committee feel for his Excellency's high office, forbids their dwelling upon the mortifying subject of the contradiction between his Excellency's answer and those gentlemen's testimony; and they will only say, that it must of course destroy all confidence in future in his Excellency's assertions, especially as his Excellency retains Mr. Sullivan as his principal and confidential adviser, notwithstanding the evidence so given by him.

Neither do they think it necessary to dwell upon this arrangement, to bargain away, contrary to the Royal Instructions, the future government of this province; for such it evidently was, notwithstanding Mr. Sullivan's attempt and natural anxiety to explain it away; an arrangement as unconstitutional and delusive as could have been proposed; for, in the event of Sir Francis B. Head's death, the government would necessarily devolve on the presiding councillor, and he could not have resigned to any one but His Majesty. To resign to his inferior would have been "a new theory." Neither could he have released himself from the government by refusing to take the oath of office. The Committee observe that such an oath is not required by the 31st of the King or the King's Instructions, and at all events the power to administer the government, in the event of his Excellency's death, does not depend on it, for if it did, we might be for a time without a government; and if one could decline taking an oath, all might, and we might in such an alternative be left without a government. An arrangement so inconsistent with the rights and honour of the Crown, and with the safety and protection of the people, was probably never before thought of in a British colony, and is a striking evidence of the strange notions entertained by his Excellency and the present Council about our constitution.

In some of the old colonies, the people chose their own governors, but never before was a successor to a governor then living chosen by the Council; that very Council who, in his Excellency's estimation, is such a mere cipher, such a mute and irresponsible body.

To obtain a fuller elucidation of this humiliating subject, your Committee were desirous of obtaining the further evidence of the Honourable Messrs. Allan and Elmsley, and although the Legislative Council, in compliance with the Address of your Honourable House, granted permission to these honourable gentlemen to attend your Committee, yet they have refused to do so, under excuse of some informality in addressing them; although in an executive matter, so materially affecting their characters as councillors, your Committee had hoped all minor considerations would have been discarded. But Mr. Sullivan's statement needs no confirmation, and the participation of the others in this singular and unconstitutional proceeding remains uncontradicted, with an opportunity afforded them, if innocent, of exculpation. This conduct justifies, in point of fact, the declaration by your Honourable House of an entire want of confidence in the present Executive Council, communicated by address to his Excellency. It is to your Committee a matter of profound regret that when his Excellency was surrounded by the late Council, with every means of conducting his administration in a manner efficient and satisfactory, calculated to allay all existing discontent, and preserve the peace, welfare and good government of the province, he should so hastily, rashly and wantonly disappoint public expectation, and fill the province with greater distress and apprehension than ever prevailed from the alien question.

Your Committee, while on this humiliating subject, feel bound also to remark on the positive contradiction between the evidence of the Honourable Mr. Sullivan and the Honourable Captain Baldwin, as reference thereto will prove; while Mr. Sullivan expressly affirms that the writing was drawn up solely at his own request, Captain Baldwin stated that it was at the suggestion of the Honourable Mr. Elmsley.

The Committee beg leave also to remind your Honourable House again of your Address to His Majesty during the last Session, hereunto appended, marked (H.), respectfully but earnestly urging that the principles of the British Constitution, respecting the advisers and confidential officers of the Government in this province, might be enforced, and intimating an intention on the part of the House, if these just and reasonable wishes were longer disregarded,

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regarded, to withhold the supplies from a government conducted in such a manner and by such officers. Your Honourable House has distinctly but respectfully declared to his Excellency its regret at the removal of the late Executive Council, and its entire want of confidence of the present members of it, and has humbly requested him to take immediate steps for their removal. Nevertheless they are retained, and the wishes of the representatives of the people, constitutionally expressed, are disregarded. No alternative is left to the House, in the opinion of the Committee, but to abandon their privileges and honour, and to betray their duties and the rights of the people, or to withhold the supplies; the constitutional right of which is clearly acknowledged in Lord Henley's despatch, and also in his Excellency's reply to the late Council; and in the language of Lord Stanley, on the very subject of procuring a removal of advisers in this province, "it is the constitutional mode of enforcing our wishes." All that we have done will otherwise be deemed an idle bravado, contemptible in itself, and disgraceful to the House, and although, in consequence of the law granting a perpetual Civil List, which was obtained by Sir John Colborne's withholding a despatch that he had been directed to communicate to the Legislature, showing that the government only wanted the grant for seven years, or during the life of the King, which act received the approbation of His Majesty's Government, the refusal of the supplies cannot have its just constitutional influence, yet it will testify the feeling and the determination of the House more forcibly to His Majesty's Government, and will avail more than any thing else. It becomes the more necessary when it is observed that Lord Glenelg assumes in his Instructions to his Excellency, that until the last Session there generally "subsisted a spirit of amicable co-operation between the Executive Government and the Legislature;" although so far from any such harmony subsisting, the majority of the House of Assembly, in both the ninth and tenth Parliaments, were denounced by the adherents of the provincial Administration in unmeasured terms of abuse, and were represented as being opposed with even indiscriminate hostility to the arrangements and institutions of the Government.

Your Committee, therefore, distinctly recommend to your Honourable House to withhold the annual supplies.

His Excellency, in answer to the Address of your Honourable House respecting the present Executive Council, observes, "I might say that I had hoped the House would have refrained from any such decided expression of its opinion on the subject until it had received the Report of the Committee to whom the subject was referred, and for whom the Government office is now occupied in furnishing the documentary evidence they desire; but I am unwilling to discuss the question."

Your Committee hope there is not now, and never will be hereafter, another such a direct and violent breach of the privileges of the Commons House of Assembly; indeed the assumption of power to chide the whole House for not awaiting a report from a select committee, can meet with a parallel only in the very worst periods of English history. Surely such conduct was never intended, and will never be countenanced by the British Government. Observing the marked forbearance of your Honourable House, your Committee dismiss this painful and humiliating subject, simply referring to the recent case of a similar nature in Jamaica, which is set forth in the following communication to his Excellency the Governor of that island, during its last session.

"May it please your Excellency,

"We are ordered by the House to wait on your Excellency with the accompanying resolutions, which have been agreed unto by the House:—

"1. Resolved, That the first message of his Excellency the Lieutenant-Governor, of yesterday, is a direct breach of the privileges of this House, inasmuch as the subject-matter of that message was then pending between the other branches of the Legislature.

"2. Resolved, That this House cannot, consistently with its own dignity, or with due regard to its own rights and privileges, which are the firmest bulwarks of the liberties, franchises and immunities of the people, proceed to do any other business until reparation shall be made for this breach of privilege."

This, your Committee conceive, is a just illustration of the resentment which such conduct deserves, and generally receives.

The attention of your Committee has been recently drawn to a political address from the grand jury at the present assizes in this city to his Excellency, and his Excellency's answer. (See certified Copies in the Appendix, marked U.) This grand jury, selected by Mr. Sheriff Jarvis, holding office during the pleasure of Sir Francis Head, style themselves "Grand Jurors representing the Home District!" There is no known law or constitutional usage under which the above gentlemen can claim the representative character; and it has ever been a subject of grievance and regret that the Executive Government have given a countenance to the political pretensions and sycophantic offerings of grand juries in this country. While they mix up with their judicial duties the party feelings of the day, and present to the Lieutenant-Governor, with evident acceptability, their political oblations, there can be no prospect of that cool, dispassionate and impartial conduct towards all classes of the people, required by their oath, and prescribed by the law. The mixture of such matters in the public ordinances of religion, or in the public administration of criminal justice, must be revolting to every "*well-constituted mind*," and is certain to contaminate what the dearest interests of society require to be pure and untainted. The imposition of political duties upon the Chief Justice as Speaker of the Legislative Council, against the repeated remonstrances of the people and their representatives, is felt to be itself a practical evil, and has

no doubt also contributed to destroy that decorum in other branches of the Judiciary, which might otherwise keep them aloof from voluntarily blending party politics with the duties of the grand jury room. With the grand jury originate indictments for alleged political offences, and the practice of tampering with their own consciences by inflaming themselves with such unseasonable discussions, is calculated to revive the scenes acted in the administration of Sir P. Maitland.

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It is a striking fact, that the foreman of this grand jury, selected by Mr. Sheriff Jarvis, is a military gentleman on full pay, on a temporary leave of absence, and who, although a son of the late Dr. Macaulay, is personally known only to a few as an occasional visitor from military service. Your Committee, without meaning any personal reflection upon that gentleman, cannot but remark upon the conduct of Mr. Sheriff Jarvis in making such a selection, which appears to have been done to second the avowed intentions of the Lieutenant-Governor to appoint him Surveyor-General, with the further plan of introducing him into the Legislative and Executive Councils. The same gentleman, it appears, has recently presided at political meetings in this city; and, as a military man, he seems unconscious of the impropriety of re-acting the same scenes in the sphere of a grand juror.

His Excellency's answer welcomes the adulation of the grand jury, and, outstepping the limits of the Address, he descants against "the ignominious tyranny" of the Executive Council of the province, which he styles "a secret Metropolitan Cabinet;" thus deriding and vilifying the institutions of the country, while, in obvious allusion to those who differ from him upon this "great constitutional question," he boasts of having "*repelled enemies*." Affairs assume a serious character when the representative of His Majesty arrays against himself as "*enemies*" whom he has "*repelled*," the great body of the people, who have long sought for a better constituted and more efficient Executive Council for the practical ends of government. These hostile and inimical feelings indulged by His Excellency against so numerous a class of the community, blast all our hopes of that impartial and conciliatory policy and constitutional system which have been promised by the British Government.

The Committee have been obliged unavoidably, though reluctantly, to extend their Report to a great, perhaps an inconvenient, length. They think the subject one of vital interest, and the present era an all-important crisis in our affairs. The despotic, unconstitutional principles announced and defended by Sir Francis Bond Head, and his avowed determination to adhere to them; the tyrannical and unjust conduct pursued by him towards the late Council, the bitterness of feeling which he is known to entertain towards all who think it their duty to oppose him; the intention which his public acts evince to perpetuate and aggravate the system, and to cherish and favour the party so much complained of, yet so much fostered under his predecessor, destroy all hope that his administration of the government can be just, satisfactory or useful to the country, or conducive to the honour and interests of the Crown, and make it, in the opinion of the Committee, a necessary though most painful duty on the part of your Honourable House, respectfully but most earnestly to pray that His Majesty's Government will seriously consider our situation, and afford us such relief as the exigency of the case requires. Respect for the Crown requires that this object should be sought in the ordinary way, by an address to His Majesty only; but, considering the usual manner in which our representations have been viewed and treated at the Colonial Office, we recommend that a Memorial should be also addressed by your Honourable House to the House of Commons; a body who understand and feel the value and importance of those principles for which we are contending. The Committee have prepared an Address to the King and a Memorial to the House of Commons in conformity with these views, which they beg leave most respectfully to submit herewith; and recommend that a copy of this Report, with the Appendix and Memorial to the House of Commons, be presented to His Excellency with the Address, and a request that he will be most graciously pleased to transmit the same to His most Gracious Majesty the King.

They submit the whole with a deep and solemn sense of the great responsibility which now rests upon the House of Assembly. The state of our public affairs, apparently growing worse instead of being improved; the dissatisfaction and anxiety of the people; the determination of the Government to defend and enforce arbitrary principles, and to oppose the application and the operation in this province of acknowledged and essential principles of the British Constitution, and the comparisons which are every day made between our condition on the one hand, and on the other hand the prosperity of all classes, the activity of business, and the improvements of all kinds in the adjacent country, are considerations which cannot be disregarded. Blessed with a fine and healthy climate, a productive soil, unequalled natural facilities for internal communication, and an industrious and enterprising population, we ought to see the country flourish and improve at least as much, and the people as happy, prosperous and contented under the British Constitution (if we were permitted to enjoy it in its full and beneficial operation), as could be realized under a different form of government.

The Committee are not willing to believe the contrary; but that a system which has long rendered unavailing the natural advantages of the country and paralyzed its youthful energies, should now of a sudden produce contrary effects, is not to be expected.

Great as is the constitutional question for which the country contends, it is simple in its nature. We have, under the 31st Geo. 3, an Executive Council, constituted by the Royal Instructions; this Executive Council we desire to see discharging the duties belonging to such a Council; as it is the duty of Parliament to legislate, so it is the duty of the Executive Council to advise. It has been simply proposed that our public affairs should

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pass under their review preparatory to the final and discretionary action of the Governor upon them; and assuredly the people, upon whose affairs and highest interests the advice is given, should be allowed to see the representative of the King surrounded by men alike possessing his confidence and that of the country.

The great question now before your Honourable House and the country, is not whether we are to have the constitution and form of government of the United States introduced and established among us, but it is simply whether we (His Majesty's subjects in Upper Canada) shall enjoy acknowledged principles of the British Constitution.

Whether we shall have the same rights and privileges that are enjoyed by our fellow subjects in the United Kingdom, and which has always heretofore been admitted in theory, but denied in practice?

Whether the advisers of the Lieutenant-Governor, the Executive Council, are to be gentlemen of sound principles, known and possessing the confidence and esteem of the people, whom they are sworn to serve as well as His Majesty, or to be persons unknown, unsworn and irresponsible, and consequently under no restraint or accountability for the advice they give, or means (honourable or dishonourable) they use to accomplish their ends?

If we have at the head of our local affairs, not a representative of the King, but a mere minister, culpable for all misdoings in our government, there is no reason why he should longer be held (as heretofore) above the law of the land. If, on the one hand, we ask for the beneficial operation of the Executive Council, the answer is, "I am only in the place of a minister, answerable for my own acts and those of my Council into the bargain." And when, on the other hand, you desire to proceed against him for any wrong, the character is shifted from a mere minister into a representative of the King, who can do no wrong, and is above all law. One day he is a minister in order to assume power and act wrongfully; another day he is the representative of the King, to oust the courts of justice of their jurisdiction; he assumes one character for *licence*, and another for *defence*.

Your Committee desire to remark, that our other institutions have often in times past been subjected, like the Executive Council, to similar attempts to cripple or abridge their constitutional rights and character. Your Honourable House was at one time denied the privilege which necessarily and constitutionally appertains to Parliament, viz., the right to inquire into public abuses; and they were not established on their present broad, firm, and acknowledged basis, without appeals to England and litigation in our courts of law. During the ninth Parliament occurred the arbitrary outrage upon the rights and property of Mr. Forsyth, by Governor Maitland, with military force, under the legal advice of the Attorney-General (since promoted to the Chief-Justiceship of this province), and supposed to have been under the advice of the then Executive Council. This flagrant wrong became the subject of inquiry before a Committee of your Honourable House; and Messrs. Givens and Coffin were attempted to be sustained by Governor Maitland in their refusal to obey a summons to give evidence; in fact they had his express orders not to attend. Thus, in illustration of the alleged sufficiency of Downing-street responsibility by Governors, it appears that an outrage is perpetrated first, and then Executive authority, influence and power exerted to prevent investigation. Nor was this all; for Sir P. Maitland further tried to poison what justice might be expected from His Majesty, by writing a secret calumniating despatch, giving a bad character to Mr. Forsyth, and traducing as factious the Assembly that interposed in his behalf. The ninth Parliament proceeded to the arrest and imprisonment of the refractory officials; and although Sir George Murray, then Principal Secretary of State for the Colonies, rebuked Sir P. Maitland for his long and artful despatch against our Parliamentary privileges, yet he was never disgraced or punished; and even in the tenth Parliament the Attorney-General (since Chief Justice of Newfoundland) reacted the same dispute of the privileges of the provincial Parliament; and it was not until the present Speaker of your Honourable House was prosecuted for his warrant, and that an adjudication of the Court of King's Bench, after elaborate argument, had placed the question out of the reach of further denial, that the right was acknowledged. When therefore, it is considered with what trouble and vexation, and against what Executive influence and calumny the privileges of Parliament have been asserted and maintained, it is less surprising that the constitutional duties and functions of the Executive should factiously be denied. The privileges of Parliament were not more obvious and certain, or more important than the duties and functions of the Executive Council for the peace, welfare and good government of the country; and it only needs, on the part of the people and their representatives, the same firm and constitutional exertions to ensure the same success in the present all-important contest.

All which is respectfully submitted.

(signed) Peter Perry, Chairman.
T. D. Morrison.
John P. Roblin.
Hiram Norton.
Charles Duncombe.

Committee Room, House of Assembly, }
14 April 1836.

(Truly extracted.)

James Fitzgibbon,
Clerk of Assembly.

A P P E N D I X. ---

SCHEDULE of DOCUMENTS forming Appendix to Report. ---

- (A.) REPRESENTATION of Executive Council to Lieutenant-Governor, 4th March 1836 - p. 54
- (B.) Reply thereto, 5th March 1836 - - - - - p. 55
- (C.) Robert Baldwin's Letter to Peter Perry, 16th March 1836, with Copies annexed of Note from Lieutenant-Governor to Robert Baldwin, 19th February, and latter's receipt thereof 20th February - - - - - p. 58
- (D.) Address from Common Council to Lieutenant-Governor, and His Excellency's Reply thereto - - - - - p. 61
- (E.) Address from Public Meeting, Toronto, 25th March, and His Excellency's Reply - p. 62
- (F.) The King's Instructions - - - - - p. 65
- (G.) Oath taken by Executive Council - - - - - p. 75
- (H.) Address from House of Assembly to the King on the subject of Legislative Council and responsible Governments, 15th April 1835 - - - - - p. 75
- (I.) Address from House of Assembly to the King, against Interference with our Local Affairs, 3d March 1834 - - - - - p. 77
- (K.) Address of House of Assembly to Lieutenant-Governor on Subject of an Agreement between New Councillors as to Seniority in certain Events, and His Excellency's Reply - p. 78
- (L.) Evidence given before Select Committee of House of Assembly by R. Baldwin Sullivan, Esq., 28th March 1836, and Honourable Augustus Baldwin, 11th April 1836 - - p. 78
- (M.) Address, House of Assembly to Lieutenant-Governor, on the Subject of the Resignation of Executive Council, 14th March, and His Excellency's Reply thereto - - - p. 79
- (O.) Address, House of Assembly to Lieutenant-Governor, to remove the New Executive Council from Office, and His Excellency's Reply thereto, March 1836 - - - - p. 80
- (P.) Schedule of late Endowments of Parsonages and Rectories in this Province, 5th February 1836 - - - - - p. 82
- (R.) Letter from J. Joseph, Private Secretary, to P. Perry, Esq., on Subject of Rejoinder from Citizens, 4th April 1836 - - - - - p. 85
- (S.) Rejoinder from Citizens of Toronto to the Reply of Lieutenant-Governor (*see E.*) to their Address of 25th March - - - - - p. 85
- (T.) Letter from Robert Baldwin, Esq. to Peter Perry, Esq., relative to His Excellency's Remarks to the City Corporation, 12th April 1836, and Evidence of Robert Baldwin, Esq. and Doctor Rolph - - - - - p. 90
- (U.) Address from the Grand Jury to the Lieutenant-Governor, and His Excellency's Reply, p. 92
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A P P E N D I X.

Appendix.

Representation of
Examining Council
to Lieut.-Governor.

(A.)

To His Excellency Sir *Francis Bond Head*, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant-Governor of the Province of Upper Canada, &c. &c. &c.

Executive Council Chamber at Toronto,
Friday, 4 March 1836.

May it please Your Excellency,

THE Executive Council, impressed with the oath they have taken, to discharge the duties necessarily resulting from their appointment "to advise the King and his representative in the government of this province," in the terms of the Constitutional Act, "upon the affairs of the province," deem it incumbent upon them most respectfully to submit the following representation:—

The Executive Council recognize the truth of the opinion expressed by Lord Glenelg, that "the present is an era of more difficulty and importance than any which has hitherto occurred in the history of this part of His Majesty's dominions." This unhappy condition they ascribe, in a very great degree, to the hitherto unconstitutional abridgement of the duties of the Executive Council. It appears from the proceedings of the House of Assembly and from the reiteration of established opinion in the country, that neither will public expectation be satisfied, nor contentment be restored, until the system of local government is altered and conducted according to the true spirit and meaning of the Constitutional Act. The delay of this just and indispensable course has already excited in the great mass of the people a lamentable jealousy and distrust, and has also induced the discussion of constitutional changes; the desire for which, unless speedily arrested, by affording the unrestricted operation of the 31st Geo. 3, c. 31, will not only become more fixed, but rapidly increase to a greater and irretrievable extent.

The policy and measures which have led to the present condition seldom passed under the review of the Executive Council, or were submitted for their advice. Nevertheless, its members have been undeservedly subjected to the heaviest reproach throughout the country, from a prevalent belief that they have been called upon to fulfil the duty imposed upon them by the Constitution, as advisers upon public affairs. But amidst the obloquy thus thrown upon them, they have studiously avoided any attempt at exculpation, by disavowing in their defence any participation in the conduct of the affairs which they were erroneously supposed to have approved. The consequence of this silent endurance of political odium, has been the perpetuation of the misbelief that the Executive Council are conversant with the affairs of the province, upon which they are appointed to advise; and although an opposite practice has generally prevailed between former Lieutenant-Governors and their Council, yet it has ever been notoriously contrary to the state of things presumed by the community to exist.

Public opinion respecting the Executive Council and their duties, has been founded upon the terms of the 31st Geo. 3, c. 31, to which statute the people used to express a firm attachment; an attachment which the Council believe never would have been impaired had the Constitution been administered either according to its letter or its spirit.

In several clauses of 31 George 3, c. 31, the Executive Council is mentioned in general terms. In the 34th clause the terms are, "together with such Executive Council as shall be appointed by His Majesty for the affairs of such province;" and not as it would otherwise have been expressed, "together with such Executive Council as shall be appointed by His Majesty *for that purpose*." In the 38th clause the terms are, "with the advice of such Executive Council as shall have been appointed by His Majesty, his heirs or successors, within such province, for the affairs thereof;" and not, as it would have otherwise have been expressed, "with the advice of such Executive Council as shall have been appointed by His Majesty, his heirs or successors, within the province, *for that purpose*."

The same may be said of similar terms used in the latter part of the seventh clause.

With respect to which clauses it may be further remarked, that had it been contemplated that the Executive Council were to act only in the matters therein specified, the words "on the affairs of such province" might have been omitted, without in the least impairing the legal effect. In the construction, therefore, of this statute, the above expression cannot be treated as surplusage, but must be taken to impose the duty which it imports.

From the language of this statute, therefore, it appears,

First. That there is an Executive Council.

Second. That they are appointed by the King.

Third. That they are appointed to advise the King and his representative upon "*the affairs of the province*;" no particular affairs are specified; no limitation to any particular time or subject.

As the Constitutional Act prescribes to the Council the latitude of "the affairs of the province," it requires an equal authority of law to narrow those limits, or relieve the Council from a co-extensive duty.

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Every representative of the King, upon arriving from England to assume the government of this country, is necessarily a stranger to it, and the law has provided for a local Council as a source of advice, which when given, is followed or not, according to his discretion.

In certain cases specified in the 38th clause of the 31st Geo. 3, c. 31, the concurrence of the Council is required to give effect to certain executive acts. But these exceptions prove the general rule, viz., that while the advice is to be given upon the affairs of the province generally, it is only in the particular cases that it must harmonize with the pleasure of the Crown, to give that pleasure effect. Indeed, if the law could be construed to limit the advice to the particular cases, it would follow that the Council could not legally and constitutionally advise upon any others; a proposition which, besides its manifest repugnance to the terms of the Act, is contrary to received opinion and usage.

But while the Constitution has assigned to the Council this duty, it is only to a very subordinate and limited extent that they have heretofore had an opportunity afforded them to perform it. It is submitted, that the exigency of the statute can only be answered by allowing the affairs of the province to pass under their review for such advice as their consciences may suggest, preparatory to the final and discretionary action of the King's representative upon those affairs.

The Council meeting once a week upon land matters, while the affairs of the country are withheld from their consideration and advice, is as imperfect a fulfilment of the Constitutional Act as if the Provincial Parliament were summoned once a year, to meet the letter of the law, and immediately prorogued upon answering the speech from the throne. In both cases the true meaning and spirit of the Constitutional Act require, that the Parliament should have a general and practicable opportunity to legislate, and the Executive Council to advise, upon the affairs of the country. In the former case, the representative of the King can withhold the royal assent from Bills, and in the latter, reject the advice offered; but their respective proceedings cannot be constitutionally circumscribed or denied, because they need the expression of the royal pleasure thereon for their consummation.

The extent and importance of the affairs of the country have necessarily increased with its population, wealth and commerce, and the Constitution has anticipated the difficulty, by a division of labour and responsibility from the active attention of the Executive Council to their duties. With the exception of those matters of so weighty or general a character as not properly to fall under any particular department, and therefore fitted for the deliberation of the Council collectively, it is recommended, that the affairs of the province be distributed into departments, to the heads of which shall be referred such matters as obviously appertain to them respectively. Upon this principle (recognized by the existing Constitution of this province and of the mother country) the people have long and anxiously sought for the administration of their government under the representative of the King; and the Council most respectfully, but at the same time earnestly represent, that public opinion upon the subject is so fixed, and becoming so impatient, as to preclude the possibility of denying or delaying the measure, without increasing public dissatisfaction, and leading to the final adoption of other views, as already too universally manifested, uncongenial to the genius of the Constitution, and most dangerous to the connexion with the parent State.

The remedy, it is feared, is now proposed too late for all the advantage desired; but the longer it is withheld, the more alienated and irreconcilable will the public mind become. The present comparative calm and thankfulness arise from a belief that the Council will second this exigency, in establishing a system of government according to the principles recognized by the Charter of the liberties of the country—an expectation which the Council are most anxious to realize.

Should such a course not be deemed wise or admissible by the Lieutenant-Governor, the Council most respectfully pray that they may be allowed to disabuse the public from a misapprehension of the nature and extent of the duties confided to them.

(signed) *Peter Robinson,* *John H. Dunn,*
George H. Markland, *Robert Baldwin,*
Joseph Wells, *John Rolph.*

(B.)

REPLY of His Excellency the Lieutenant-Governor to the Communication of the Executive Council.

THE Lieutenant-Governor transmits to the Executive Council the following observations in reply to the document which in Council they yesterday addressed to him:—

“The constitution of a British colony resembles, but is not identical with, the constitution of the mother country; for in England, besides the House of Commons, which represents the people, there exists a hereditary nobility, the honours and wealth of which, as well as the interests of the Established Church, are represented by a House of Lords, while the Sovereign (who by law can do no wrong) is surrounded by a Ministry upon whom devolves the entire responsibility of the measures they suggest, and who are consequently removable at pleasure. But in the colonial portion of the British Empire, which, however rising, is, generally speaking, thinly inhabited, the people are represented by their House of Assembly, which is gifted not only with the same command over the supplies as in England, but which possesses within the colony most of the powers of the British House of Commons. The

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Legislative Council is intended, as far as the circumstances of a young colony can permit, to resemble the British House of Lords; and if the Lieutenant-Governor of a colony stood in the place of the Sovereign, and if, like His Majesty, he could do no wrong, it would evidently be necessary that a ministry, executive council, or some other body of men, should be appointed, who might be responsible to the country for their conduct.

"This, however, is not the case; His Majesty delegates His sovereign protection of His colonies to no one; but he appoints a Lieutenant-Governor, who is responsible to Him for his behaviour, who is subject to impeachment for neglecting the interests of the people, and who is liable, like the English Ministry, to immediate removal; and the history of the British colonies clearly shows, that there is no class or individual of His Majesty's subjects to whose representation, prayer or petition, the King is not most willing to attend.

"The Lieutenant-Governor is therefore the responsible minister of the colony; and as not only his character, but his continuance in office, depend on his attending to the real interests of the people, it would be evidently as unjust towards him that he should be liable to impeachment for any acts but his own, as it would be unjust towards the people that a responsibility so highly important to their interests should be intangible and divided. It is true, his knowledge of the country is not equal to that of many intelligent individuals within it; but, in government, impartiality is better than knowledge; and it must be evident to every well-constituted mind, that in an infant state of society it would be impossible, practically to secure a sufficient number of impartial persons to effect a change of ministry, as often as it might be necessary for the interests of the people to do so.

"This difference between the constitution of the mother country and that of its colony is highly advantageous to the latter; for, as in all small communities private interests and party feelings must unavoidably be conflicting, it is better, as well as safer, that the people should be enabled to appeal in person, or by petition, to the Lieutenant-Governor himself, whose duty it is to redress their complaints, and who is liable to dismissal if he neglects them, than that they should appeal to a series of provincial ministries, composed of various individuals.

"To enable the Lieutenant-Governor to perform the arduous duties of his office, the constitution has wisely provided him with an Executive Council, competent to supply him with that local knowledge in which he may be deficient, and to whom he may apply for counsel and advice.

"Before he entrusts himself to these gentlemen, they are, by order of His Majesty, required solemnly to swear, not only to give to the Lieutenant-Governor their best counsel and advice, but they are also sworn to secrecy.

"Their individual opinions can never be divulged, *even to the King*: and as a proof that his Majesty does not hold them responsible for the acts of his Lieutenant-Governor, they can retain, and often do retain, their office of sworn advisers, although Governor after Governor may have been dismissed.

"The advantage of such a council to a Lieutenant-Governor is so self-evident, that he must be weak and self-sufficient indeed who does not continually have recourse to it; but although it strengthens his judgment and confers dignity on his proceedings, yet it in no way shields him from disgrace, should his acts be found contrary to the interests of the people. In such a case, it would be vain as well as unconstitutional for a Lieutenant-Governor to attempt to shield himself from responsibility by throwing it upon his council; for by his oath he cannot even divulge which of his advisers may have misled him.

"Supposing, for instance, that with the concurrent advice of his council, he was illegally to eject by military force an individual from his land, the Lieutenant-Governor would be liable to arraignment; and whether he had acted by the opinion of the law officers of the Crown, by the advice of his council, by information derived from books, or from his own erring judgment, it has been wisely decreed that the injured subject should look to him, and him alone, for retribution, and that he, and he alone, is answerable to his Sovereign for the act of injustice which has been committed.

"Being therefore subject both to punishment and disgrace, it is absolutely necessary, as well as just, that the Lieutenant-Governor of a colony should have full liberty to act, (though at his peril,) in every case as he may think best for the interests of the people, according to the commands of His Majesty, and of His Majesty's Ministers.

"To consult his council on the innumerable subjects upon which he has daily to decide, would be as utterly impossible as for any one but himself to decide upon what points his mind required or needed not the advice of his council. Upon their sterling fund he must therefore constitutionally draw whenever embarrassment requires it; and on their part, if they faithfully honour his bills, however often he may present them, they conscientiously fulfil to their Sovereign, to him, to their country, and to their oath, the important duty which they have sworn in secrecy to perform.

"Having concluded the above outline of the relative responsibility of the Lieutenant-Governor and his Executive Council, as it regards His Majesty's colonies in general, it may be observed with respect to this province in particular, that when His Majesty, by conquest, first obtained possession of the Canadas, the government thereof devolved upon its military commander, until, by an Act passed in the 14th year of Geo. 3, a council was appointed for the affairs of the province of Quebec, 'to consist of such persons resident therein (not exceeding 23, nor less than 17,) as his Majesty, his heirs and successors shall be pleased to appoint, which council so appointed and nominated, or the major part thereof, shall have power and authority to make ordinances for the peace, welfare and good government of the said province, *with the consent of his Majesty's Governors.*'

"This

“ This power of the Council was further restricted by certain important limitations, specified in clauses 13, 14, 15, 16 & 17 of the said Act; however, in the year 1791, a new Act was passed, commonly called ‘ the Constitutional Act,’ because it settled the constitution of the Canadas, which were then divided into the Upper and Lower Provinces.

“ By this Act, the military domination of the General and his Council was changed for a new and better system; and as evidently both could not exist together, the very first clause in the Act declared, ‘ That so much of the late Act 14 Geo. 3, as in any manner relates to the appointment of a council for the affairs of the said province of Quebec, or to the power given by the said Act to the said Council, or to the major part of them, to make ordinances for the peace, welfare and good government of the said province, with the consent of his Majesty’s Governor, Lieutenant-Governor, or Commander-in-Chief for the time being, shall be and *the same is repealed.*’

“ The Act then proceeds to state, that there shall be within each of the said provinces respectively a Legislative Council and an Assembly, the duties and privileges of which are minutely declared in 33 consecutive clauses; but in no part of the said Act was an Executive Council directly or indirectly created. Nevertheless a vestige of the ancient one was, for the purpose of a court of appeal [*Vide* Clause 34], recognized with an expression which seemed to intimate that an efficient Executive Council would very shortly be created.

“ For instance, in section 38 the Governor is, by authority of His Majesty’s Government, and with the advice of the Executive Council, ‘ empowered to erect parsonages and rectories;’ but in section 39 no mention whatever is made of the Executive Council, but, on the contrary, it is declared, that the Governor or Lieutenant-Governor, or person administering the government, should present the incumbent ‘ to every such parsonage or rectory.’

“ In the 50 clauses of the Act in question, the Executive Council which, in section 34, is merely described as ‘ such Executive Council as *shall be* appointed by His Majesty,’ is scarcely mentioned, and, as regards even its existence, the most liberal construction which can possibly be put upon the said Act only amounts to this: that as an Executive Council was evidently intended to exist, the remnant of the old one ought not to be deemed totally extinct until its successor was appointed.”

“ However, this latent intention of His Majesty to create a Council for each of the provinces of his Canadian dominions was soon clearly divulged in a most important document, commonly called ‘ *The King’s Instructions,*’ in which an Executive Council was regularly constituted and declared, as follows: ‘ Whereas We have thought fit that there should be an Executive Council for assisting you, or the Lieutenant-Governor, or persons administering the government of the said province of Upper Canada for the time being, We do, by these presents, appoint the under-mentioned persons,’ &c. &c.

“ In subsequent clauses, it was equally precisely defined upon what affairs of the province the Lieutenant-Governor was to act ‘ *with the advice of the Executive Council;*’ but with the view distinctly to prevent the new Council being what the old one had been (which indeed under the new constitution was utterly impossible), in short, to set that question at rest for ever, it was declared, in section 8, ‘ that to the end that our said Executive Council may be assisting to you in all affairs relating to our service, you are to communicate to them *such and so many* of our instructions *wherein their advice is mentioned to be requisite,* and likewise all such others, from time to time, as you *shall find convenient* for our service *to be imparted to them.*’

“ The Lieutenant-Governor having now transmitted to the Executive Council his opinion of their duties, in contradistinction to that contained in their communication to him of yesterday’s date, will not express the feelings of regret with which, under a heavy pressure of business, he unexpectedly received a document of so unusual a nature, from gentlemen upon whom he had only recently placed his implicit and unqualified reliance.

“ But he feels it incumbent upon him frankly and explicitly to state, that to the opinions they have expressed he can never subscribe. On the contrary, that so long as he shall continue to be Lieutenant-Governor of this province, he will never allow his Executive Council officially to assume that heavy responsibility which he owes to his Sovereign, as well as to the people of this province, to whom he has solemnly pledged himself to *maintain the happy constitution of this country inviolate, but cautiously, yet effectually, to correct all real grievances.*

“ The Lieutenant-Governor maintains, that the responsibility to the people of this province (who are already represented by their House of Assembly), which the Council assume is unconstitutional, that it is the duty of the Council to serve *him*, not *them*; and that if, upon so vital a principle, they persist in a contrary opinion, he foresees embarrassments of a most serious nature; for as power and responsibility must in common justice be inseparably connected with each other, it is evident to the Lieutenant-Governor that if the Council were once to be permitted to assume the *latter*, they would immediately, as their right, demand the *former*, in which case, if the interests of the people should be neglected, to whom could they look for redress? For in the confusion between the Governor and an oligarchy composed of a few dominant families, shielded by secrecy, would not all tangible responsibility have vanished?

“ The Council cannot have forgotten that, previous to their first meeting in the Council Chamber, which happened only a few weeks ago, the Lieutenant-Governor had assured them in a note (which was even publicly read in the House of Assembly), that although he had no preliminary

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preliminary conditions to accede to or require, it was his intention to treat them with implicit confidence; and the Council must also remember how willingly they approved of the very first suggestion he made to them, namely, that no important business should be commenced in Council until they, as well as the Lieutenant-Governor himself, had become mutually acquainted with their respective duties.

"The Lieutenant-Governor assures the Council, that his estimation of their talents and integrity, as well as his personal regard for them, remain unshaken, and that he is not insensible of the difficulties to which he will be exposed, should they deem it necessary to leave him. At the same time, should they be of opinion that the oath they have taken requires them to retire from his confidence, rather than from the principles they have avowed, he begs that, on his account, they will not for a moment hesitate to do so.

"Government House,
Toronto, March 5, 1836." }

"F. B. Head."

(C.)

Letter from Robert Baldwin, Esq. to Peter Perry, Esq.

Dear Sir,

Front-street, 16 March 1836.

MYSELF and my colleagues having felt it our duty to tender our resignations, and the Lieutenant-Governor having been pleased to accept them, I waited on his Excellency to request his permission to make public, in the usual parliamentary way, the steps which led to the formation of his Excellency's late Cabinet, and the circumstances which occasioned its dissolution; to which his Excellency, in the handsomest manner, frankly acceded, most graciously assuring me that his confidence in me personally was such, that he presented me with a *charte blanche* to state the whole, from the commencement of the negotiations to the acceptance of our resignations.

None of the members of the late provincial administration having the honour of a seat in the Commons, I know of no way in which such information can be more respectfully communicated, than in a letter addressed to you, for the purpose of being read in your place, or of the House being put in possession of its contents in whatever other way your more intimate acquaintance with parliamentary forms may suggest.

I, therefore, beg leave to state, that his Excellency, having done me the honour to send for me, explained the position in which he found himself placed on assuming the government of the province, and declaring himself most anxious to do the best he could to insure to the province good and cheap government, expressed himself most desirous that I would afford him my assistance by joining his Executive Council, assuring me that in the event of my acceding to his proposal, I should enjoy his full and entire confidence.

I informed his Excellency of my extreme reluctance to again embark in public life, and proceeded to state that, notwithstanding such reluctance, and reserving to myself the option of declining to accept the seat which his Excellency had tendered to me on private grounds merely, I yet felt that as his Excellency had done me the honour of sending for me, I would not be performing my duty to my Sovereign or the country, if I did not, with his Excellency's permission, explain fully to his Excellency my views of the constitution of the province, and the change necessary in the practical administration of it; particularly as I considered the delay in adopting this change as the great and all-absorbing grievance, before which all others, in my mind, sunk into insignificance; and the remedy of which would most effectually lead, and that in a constitutional way, to the redress of every other real grievance, and the finally putting an end to all clamour about imaginary ones; and that these desirable objects would thus be accomplished without in the least entrenching upon the just and necessary prerogatives of the Crown, which I considered, when administered by the Lieutenant-Governor through the medium of a provincial ministry, responsible to the provincial Parliament, to be an essential part of the constitution of the province. That these opinions were not hastily formed, that they were, on the contrary, those which I had imbibed from my father, who, though now for some years, as well as myself, unconnected with public life, had formerly held a much more distinguished position in the politics of the country than I could pretend to, and that they were opinions which the experience of every year had more and more strengthened and confirmed; that I felt convinced that the prompt adoption of those views was the only means of consolidating the connexion with the mother country, to the preservation of which no one was more devotedly attached, or ready to make greater sacrifices than myself. That they were nothing more than the principles of the British constitution applied to that of this province, and which I conceived necessarily to belong as much to the one as the other. That the call for an Elective Legislative Council, which had been already formally made from Lower Canada, and had been taken up, and appeared likely to be responded to in this province, was as distasteful to me as it could be to any one; as all that to me appeared necessary or desirable, was the constitution as it stood, fully and fairly acted upon. And that I was convinced that had such a course been adopted some years ago, we should not now have had the public discussing the expediency of an alteration in the constitution, by the introduction of a provision for an Elective Legislative Council. That I feared it might not be too late; but as I was not sufficiently aware of the exact state of the question to speak decidedly, I sincerely hoped that by the prompt adoption of a responsible provincial administration, under the King's representative, the question might even yet be set at rest; and in reply to an objection of his Excellency, that the adoption of such a course would be placing the Lieutenant-Governor in a position similar to that of the King, which was inconsistent with the

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the fact of his responsibility, I explained, that as far as regarded the internal affairs of the province, the Lieutenant-Governor was, in point of fact, as far as this province and its parliament were concerned, as completely irresponsible as the King himself, as there certainly neither existed, nor, in my opinion, ought to exist, any legal or constitutional means of calling him to account in this country for any act of his government. That his responsibility was to the King and Parliament of the Empire, and was perfectly proper and necessary for the preservation of the paramount authority of the mother country, and the protection of her interests in matters properly and constitutionally belonging to the exercise of that authority. But that what the constitution required was, that there should be persons within this country itself who could be made responsible to the provincial parliament here for the administration of the internal affairs of the province.

To another objection of his Excellency, that the adoption of my views would deprive the Lieutenant-Governor of all power, and convert him into a cipher, I distinctly denied any such as a consequence of my principles; as I fully admitted the Lieutenant-Governor to be constitutionally clothed, as the royal representative, with the same powers within the province, with respect to its internal affairs, as those possessed by the King himself with respect to the affairs of the Empire at large, which appeared to me to be all that he could desire, and at all events all that the constitution had given him. That he had always the same constitutional right to accept or reject the advice of any of his executive councillors, and that, as in England, the only alternative for them was to resign, when they and the Lieutenant-Governor differed on any point which they conceived of sufficient importance to call for such a step; in which event the Lieutenant-Governor was perfectly free to call to his council whom he pleased.

His Excellency very candidly declared his entire dissent from such views and opinions; he nevertheless, with the most gracious expression of satisfaction at the very full and candid manner in which I had opened them to him, renewed his solicitation for my acceptance of a seat in the Executive Council, suggesting, as an inducement for such acceptance, the increased facilities which, by my place in the Executive Council, would be afforded towards the more efficiently representing and urging my views; his Excellency declaring that his doors should at all times be open to me, and that he should be most happy to listen and give his most serious consideration to any subject which I might at any time think it important to lay before him, his Excellency always reserving the right to decide for himself; his Excellency at the same time remarking, that he had no objection to the council, each continuing to entertain and urge his individual opinions, as the opinions of one would be neutralised by those of another.

I then informed his Excellency that, upon the principles which I had opened to him, there were two grounds upon which I could not consistently comply with his Excellency's wishes; first, that no provincial administration would, in my opinion, be capable of affording his Excellency that assistance and support which his Government would require, unless sufficiently possessed of the confidence of the provincial parliament to insure majorities in it; and that I did not feel that that confidence could be obtained without further assistance. And, secondly, that although in private life I was on perfectly good terms with all the gentlemen who then composed his Excellency's Executive Council, and on most friendly terms with one of them, yet that, as public men, I had in them no confidence whatever, and had formerly, when in public life, denounced them, and those with whom they acted, as politically unworthy of the confidence of the country, and therefore that I felt that I could not take office with them.

At length, after a consultation, held by his Excellency's permission, with Dr. Rolph and my father, I finally, on the two grounds above mentioned, declined to accept a seat in the Executive Council.

It is proper that I should here remark, that though these principles were fully opened to his Excellency at my first interview, some parts of the conversations above adverted to (though I believe none that could be considered essential to the full exposition of the principles themselves), passed during the subsequent interviews which I had the honour of having with the Lieutenant-Governor in the course of the negotiation.

Having been subsequently again sent for by his Excellency, and requested to state more explicitly what the assistance was to which I had before alluded, I replied, that I considered the assistance of Dr. Rolph, Mr. Bidwell, my father and Mr. Dunn, in the Executive Council, most desirable, and that of Dr. Rolph as absolutely necessary, to insure that public confidence in his Excellency's government, without which I was convinced his Excellency, with the best intentions in the world, would fail to accomplish those desirable objects which he had in view.

His Excellency, after an interview which he informed me he had had with Mr. Bidwell, again opened the negotiation by a renewed tender of a seat in the Executive Council, giving me at the same time to understand that, if accepted, he was prepared to afford me the assistance of Dr. Rolph and Mr. Dunn, should these gentlemen have no objection to join me.

Upon this, with his Excellency's permission, I again consulted with Dr. Rolph, Mr. Bidwell and my father, and I feel it due to the two latter to take this opportunity of stating, that I received the fullest assurance of their most cordial support to a cabinet composed of Dr. Rolph, Mr. Dunn and myself, and the expression of their opinions that, in the present conjuncture of public affairs, their being taken into the cabinet ought not to be further urged; which disinterested course on their part, so consistent with the position which they hold in the public confidence, the country, I am persuaded, cannot fail to appreciate.

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This renewal of the negotiation was, however, ultimately closed by my again finally declining to accept office, in consequence of his Excellency not feeling himself justified in consenting to the removal of those gentlemen who were already in the council.

Upon this his Excellency sent for my father, to whom he made a similar tender of a seat in the Executive Council, and his fullest confidence in the event of his accepting it; and I am authorized to say, that Dr. Baldwin, on that occasion, informed his Excellency that his views and principles were similar to those which had been already fully laid before his Excellency by me; and that he felt it impossible to take office in conjunction with the three gentlemen who then formed his Excellency's Executive Council.

His Excellency then sent for Dr. Rolph, to whom he made a similar tender of his confidence. Dr. Rolph having obtained his Excellency's permission to consult Mr. Bidwell, Mr. Dunn, my father and myself, it was, in the course of that consultation, pressed upon me, that, as the principle of responsibility, although long before the public, had never yet been practically acted upon; and that taking it for granted (as it was but justice to his Excellency to do) that his Excellency, although mistaken in his views of the constitution of the country, might yet be sincerely desirous of governing according to that constitution, and that in that case all that would be found necessary was to convince him that the views and principles which I had opened to him were just and constitutional to insure their adoption, or the procurement of his Excellency's influence to obtain their adoption; and that, notwithstanding what his Excellency had said with respect to the opinions of one member of the council being neutralized by those of another, which appeared to arise more from a want of sufficient practical acquaintance with the working of the political machinery of government, which time and experience would necessarily correct, than from any other cause; it would perhaps not be performing our duty to his Excellency, or the country, were we, after his having gone thus far to meet our views, peremptorily to refuse all concession on our part. To this reasoning having given a most reluctant consent, I empowered Dr. Rolph, in accordance with the course deemed by him most respectful to his Excellency, to state to the Lieutenant-Governor that I was willing, with his Excellency's permission, to re-consider his Excellency's proposal, and to consider the negotiation re-opened, upon the footing on which it stood previous to its having been last closed with me; to which his Excellency having at once acceded, and the negotiation having been thus re-opened, after some further consultation upon the subject with Mr. Dunn, his Excellency was finally informed, that Mr. Dunn, Dr. Rolph and myself had, though reluctantly, consented, in compliance with his Excellency's wishes, and as a mere experiment, and one which we feared would fail, to accept seats in his Excellency's Executive Council, without the retirement of the three gentlemen who were already members of it.

Afterwards, on our all waiting on his Excellency, previous to our being sworn, I pointed out and insisted upon the necessity, that, lest compromise of principle might be imputed to us, in consequence of the course we had taken, which in the public eye must necessarily appear equivocal, some announcement should be made of the unfettered terms upon which his Excellency was pleased to receive us into his confidence, which, at his Excellency's suggestion, was finally arranged to be in the shape of a note to that effect, to be addressed to me (as the person first sent for) by his Excellency, and of which I was to be at liberty to make any use that I might deem necessary or proper; which note was, at my request, in accordance with the gracious permission which I had received, read publicly by a member of each House of Parliament in his place, this being the only manner in which it appeared to me the information which it was necessary that the public should be in possession of could be communicated consistently with the respect due to a communication from the representative of the King.

Copies of this note, and of my acknowledgment of the receipt of it, I subjoin.

These negotiations, partly retarded by my absence in the country, were in progress from the 8th until the 20th ultimo, on which day we were sworn into office.

Having thus explained the circumstances which led to our appointment, I have only to add, with respect to our retirement from office, that the principles, the facts and the views which were afterwards embodied in the formal representation of the Executive Council, were (at least ten days before being thus formally presented to his Excellency), at very considerable length, amicably discussed between the members of the Executive Council and his Excellency, and afterwards continued the subject of deliberate consideration among the members themselves for another week, when, on the 4th of this month, the formal representation alluded to was unanimously adopted and presented to his Excellency, with respect to which I shall only add, that the course of local government, and the reasons for it set forth in the representation from the council, were thus officially suggested to the more formal consideration of his Excellency, from a solemn conviction that it was the only system which would operate "for the good of the King and of this province, and for the peace, rest and tranquillity of the same."

To this representation the Executive Council, on the following Thursday, being the next regular council day, received his Excellency's reply.

In this reply, his Excellency having intimated his wish "that should the Executive Council be of opinion that the oath which they had taken required them to retire from his Excellency's confidence, rather than from the principles they had avowed, they would not on his account for a moment hesitate to do so," the members of the Council, on Saturday last, waited on his Excellency, and tendered their resignations, which his Excellency was graciously pleased to accept, with respect to which I would here take the liberty of remarking, that, having in the representation alluded to, but reiterated in a more formal manner,

in conjunction with my colleagues under the sanction of the oath which I had in the meantime taken, the same principles and opinions which his Excellency knew me to entertain previous to his honouring me with a seat in his Council, however desirous I might be of giving my best support to his Excellency's Government, or of not hastily abandoning the important duties of my situation, which had been most unwillingly assumed, I could not for a moment hesitate, when the alternative presented to me was the abandonment either of my principles or my place.

Appendix.

Letter from
R. Baldwin, Esq. to
Peter Perry, Esq.

I have the honour to be, dear Sir,
Your most obedient, humble servant,

Peter Perry, Esq., M.P.

(signed) *Robert Baldwin.*

Dear Sir,

Government House, Feb. 19, 1836.

I HAVE great pleasure in learning that you, Dr. Rolph and Mr. Dunn accept the invitation I have made to you by joining the Executive Council.

The confidence I shall repose in you will be implicit; and as I have no preliminary conditions either to accede or require from you, I shall rely on your giving me your unbiassed opinion on all subjects respecting which I may feel it advisable to require it.

I remain, dear Sir, your's faithfully,

R. Baldwin, Esq.

(signed) *F. B. Head.*

MR. ROBERT BALDWIN has the honour to acknowledge the receipt of His Excellency's the Lieut.-Governor's note of the 19th inst., and will transmit a copy to Mr. Dunn and Dr. Rolph without delay.

Front-street, 20 Feb. 1836.

(D.)

ADDRESS of the COMMON COUNCIL of the City of Toronto.

To His Excellency Sir *Francis Bond Head*, K.C.H., &c. &c. &c.

May it please your Excellency,

WE, His Majesty's dutiful and loyal subjects, the Mayor, Aldermen and Commonalty of the city of Toronto, most respectfully beg leave to state, that at the present most difficult and important era in the history of this province, when this council had fondly hoped that the appointment of your Excellency to the government of this country, with the accession to the Executive Council appointed for the affairs thereof of gentlemen of integrity and talent, known to possess liberal constitutional principles, would have secured to its inhabitants that wise, just and liberal policy so imperiously demanded, to strengthen the bonds of union between the mother country and this colony; this council have with extreme regret and surprise witnessed their just anticipation destroyed by the dissolution of the late Executive Council, and the appointment of another in their stead, composed of gentlemen who, however worthy in their individual private capacity, are incapable, from their well-known political views, of giving satisfaction to the people, and that this council, as the representatives of the inhabitants of the capital of Upper Canada (from this as well as other causes not necessary to be here explained on account of their general notoriety) have no confidence whatever in the present provincial administration, not deeming them competent to advise with the representative of our most gracious Sovereign upon the peace, welfare and prosperity of the province.

We therefore most humbly pray your Excellency to be pleased to dismiss your present advisers, and call to your Council gentlemen possessing the public confidence, as the only measure in the opinion of this Council calculated to insure the tranquillity of the province at the present crisis.

HIS EXCELLENCY'S REPLY.

Mr. Mayor and Gentlemen,—The particular interest which I take in the welfare of this capital, of which I am myself an inhabitant, induces me to reply at some length to the Address I have just received from you, in which you state,

1st. That you have no confidence in what you term "the present provincial administration; and,

2dly. That you beg leave to name for me other individuals for that station.

With respect to a "provincial administration," although no such power exists in this or any other colony of the British Empire, I may remark, that very shortly after the late addition to the Executive Council, I observed that great efforts were making to delude and persuade the public mind that the new Council were entitled to claim the responsibility, power and patronage of the Lieutenant-Governor, and that such an arrangement would be highly advantageous to the people.

Finding that this new theory was rapidly gaining ground, I resolved to offer it no secret opposition, nor in any way to exert my influence to oppose it; but I determined the very first time it should come well within my reach that I would drag it into day-light, in order that it might be openly, fairly and constitutionally discussed.

From several places I subsequently received Addresses on the subject, which I did not deem it advisable to notice, but to my astonishment there suddenly appeared from a quarter

Address from
Common Council
to Lieut -Governor.

Reply of
Lieut -Governor to
Common Council.

Appendix.

Reply of
Lieut.-Governor to
Common Council.

from which I certainly least expected it, namely, from the Executive Council itself, a document (a copy of which had been inscribed in the minutes of the Executive Council, signed by all the six Councillors) openly declaring, that what had secretly been promulgated respecting the powers of the Executive Council, was actually the law of the land!

The question being fairly before me, I deliberately opposed it, accepted the resignation of the six Councillors, and, at the request of the Assembly, I laid before that House the communication I had received from the Council, with my reply.

The subject was thus formally brought before the public; and having performed this duty, I felt comparatively indifferent as to the result; for if the power and patronage of this province, which have hitherto been invested in the Lieut.-Governor, really belong to his Council, I consider that without reluctance they ought at once to be delivered up, and secured to them.

The House of Assembly, however, cannot alter the Constitutional Act of this province, neither can I; and as regards popular meetings, I need hardly observe, that if the inhabitants of the whole province were simultaneously to petition me to alter a single letter of that solemn Act, I have neither power nor inclination to do so.

If it should prove that the practice which has hitherto been pursued is erroneous, I will not for a moment hesitate to acknowledge it; and in that case I should feel it my duty at once to recall to my Council the six members who have resigned; but I cannot be blind to the fact, that the Constitutional Act, which is open to every body, does not create any Executive Council at all.

The members of the late council rest their claims very nearly on the following grounds:—

1st. That the responsibility they assume, being a popular opinion daily increasing, is consequently the law of the land; and,

2d. That though the powers they acquire are no where expressed in the Constitutional Act, they were evidently intended to have been inserted.

I conceive that these arguments do not even require to be refuted; and, with respect to what General Simcoe, or any other Governor, may have asserted, I must also be permitted to assert, that the rights, liberties and property of the inhabitants of this province would be insecure indeed if they rested on any such declarations.

The constitution of this province is the sacred charter of the land; and it is no less my duty, than the interests of its inhabitants, that I should firmly maintain it, as I ever will, inviolate.

If that charter constitutes a "Provincial Ministry," it need only be shown to me to be secured; but I deliberately repeat, that it contains the creation of no such a power, and in my opinion, were it now to be created, it would be productive of the most vicious effects; for, if the power and patronage of the Crown were to be delivered over to a tribunal sworn to secrecy, they would very soon fall into the hands of a few metropolitan families, who might possibly promote their own views, to the rejection of the interests of the distant counties; whereas, while these powers continue invested in the individual appointed by His Majesty to be the Lieutenant-Governor of this province, he (being a stranger) can have neither interest nor inducement to abuse them.

No one can be more anxious than I am that this plain constitutional question should be gravely and calmly discussed, for it will be impossible for me to attempt to correct the grievances of the country, until I can prevail upon the legislature to follow me cheerfully in the noble object we have in view; and I certainly do feel most deeply, that for the sake of the people, those who are invested with power ought manfully to determine to lay aside all private feelings—to forgive and forget all political animosity, and to allow His Majesty's wishes and my instructions to be promptly executed.

With respect to the want of confidence you express in the council I have just selected, I will only observe, that in my judgment they appear to be sensible steady men of business, of high moral worth; and I cannot but recollect that one of these gentlemen was, only a few weeks ago, actually the mayor of your own city, selected by yourselves as being peculiarly entitled to that public confidence which you now declare is denied to him.

With this moral before your minds, you surely cannot but admit, what a political tempest would continually exist, how the interests of the farmer would be blighted, were the power and patronage of this thinly-peopled province to be transferred from His Majesty's Lieutenant-Governor into the hands of what you term a "Provincial Ministry," at Toronto.

(E.)

ADDRESS from a Public Meeting held in the City Hall.

To His Excellency Sir *Francis Bond Head*, K.C.H., &c. &c. &c.

Address from
Public Meeting to
Lieut.-Governor.

May it please your Excellency,

WE, His Majesty's dutiful and loyal subjects, the inhabitants of the city of Toronto, assembled under the authority of the mayor of the city, beg respectfully to submit to your Excellency this our Address, containing the expression of our sentiments and feelings in reference to the late changes in the Executive Council, and of the opinions which have been expressed by your Excellency as to the nature of the constitution of this province.

That Colonel Simcoe, the first as well as the ablest and most enlightened Lieutenant-Governor of this province, who was a Member of the Parliament of Great Britain when the statute

statute 31 Geo. 3, chap. 31, commonly called the Constitutional Act, was passed, was the bearer of that Act to this Colony, and was authorized, undoubtedly, by His Majesty's Government, to declare to His faithful subjects in this province, the nature of the Constitution then about to be put into operation for their benefit, and who assured the people of this province from the throne, on the opening of the first Session of the Provincial Parliament, that the said Act had "established the *British Constitution*, and all the forms which secure and maintain it in this distant country," and "that the wisdom and beneficence of our most gracious Sovereign and the British Parliament has been eminently proved, not only in imparting to us the same form of government, but also in securing the benefits of it by the many provisions that guard that memorable Act; so that the blessings of an invaluable constitution thus protected and amplified, they might hope would be extended to the remotest posterity;" and that the same Governor, upon closing that Session, especially enjoined upon the members of the Legislature from the throne to explain to the people of the country, "that this province was singularly blest, not with a mutilated Constitution, but with a Constitution which has stood the test of experience, and was the very image and transcript of that of Great Britain."

That it is an essential and inalienable feature of the British Constitution thus assured to us, that the King shall be assisted in all the affairs of government by the advice of known and responsible councillors and officers who possess the confidence of the people, and of the majority of their representatives, and that our fellow subjects in the United Kingdom would indignantly resent any attempt to deprive them of this part of their constitution, as an infringement upon their most sacred rights and liberties, and a step taken to degrade them to the condition of slaves.

That the recent appointment by your Excellency of the Honourable John Rolph, Robert Baldwin and John Henry Dunn as Executive Councillors, gave universal gladness and satisfaction throughout the province, those gentlemen having been long known, beloved and respected for the talents, acquirements and virtues which adorn their characters, the liberal and patriotic principles that they entertain, and the important services which they have respectively rendered to the people of this province, and that the selection of them by your Excellency, as your advisers, disposed His Majesty's subjects to hope that a new and happy era had at length arrived in the history of this province.

That we have learned with surprise and sorrow, that those gentlemen, together with the former members of your Excellency's Council, have found themselves under the necessity of resigning their seats; and that your Excellency appears to us to have taken offence for no other reason than the respectful expression of an opinion in favour of the government being conducted on the acknowledged principles of the British Constitution; an opinion supported by unanswerable arguments, and which they were bound by every obligation of honour and duty, as faithful councillors, to express to your Excellency.

That our most sincere respect and gratitude are due to those gentlemen and their late colleagues in your Excellency's council, for the noble efforts which they made in the honourable and upright discharge of their duties, to secure to the people of this province the practical benefit and faithful application of constitutional principles of the highest importance to their liberty and prosperity; and that we are solemnly called upon at such a crisis to declare our firm and unalterable determination to resist every attempt to *mutilate* and deform our constitution by the denial of those principles, or the refusal of the full benefit and practical operation of them, and that the people of this province will never, in our humble opinion, be content with a system that is only a mockery of a free and *responsible* government.

That we feel it our bounden duty to declare to your Excellency, that the gentlemen whom your Excellency has called to your council, since the resignation of your late council, do not in any degree possess the confidence of the people of Upper Canada.

We further humbly express our disappointment and regret at the remarks which your Excellency has, by evil and unknown advisers, been induced to animadvert upon the circumstances under which your Excellency caused your late council to resign; and that respect which it is equally our duty and inclination to pay to the representative of our most gracious Sovereign, forbids our declaring on this painful occasion any other feeling than that of an earnest hope that the persons, whoever they may be, who have been guilty of such an abuse of your Excellency's confidence, may be for ever discarded by your Excellency.

In conclusion, we beg leave to state to your Excellency, that, as subjects of the British Empire, we claim all the rights and privileges of the British Constitution; and, as subjects of a British colony possessing the powers of self-government, given to it by the parent State, we claim our right that the Representative of the Crown shall be advised in all our affairs by men known to, and possessing the confidence of the people; and, as the true friends of His Majesty's Government, and to the permanency of our connexion with the parent State, we earnestly entreat your Excellency to regard our opinions and remonstrances (firmly, though we hope respectfully, expressed), and to adopt measures to calm the present extraordinary state of public excitement, aggravated by the high hopes created in the public mind by the removal of Sir John Colborne, and the appointment of your Excellency to the head of the administration.

By order of the Meeting,

Toronto, March 25, 1836.

(signed) *T. D. Morrison*, Mayor,
James Lesslie, Secretary. Chairman.

Appendix.

Address from
Public Meeting to
Lieutenant-
Governor.

HIS EXCELLENCY'S REPLY.

Appendix.

His Excellency's
Reply to Address
from Public
Meeting, Toronto.

GENTLEMEN,—Having reason to believe that the meeting from which you are deputed, was composed principally of the industrious classes, and being persuaded that the liberal principle of the British Government, in whatever climate it may exist, is the welfare and happiness of the people, I shall make it my duty to reply to your Address with as much attention as if it had proceeded from either of the branches of the Legislature, although I shall express myself in plainer and more homely language.

1st. I have no wish to deny "that Colonel Simcoe was the first as well as the ablest and most enlightened Governor of this province; that he was a Member of Parliament when the statute 31st Geo. 3, chap. 31, commonly called the Constitutional Act, was passed; and that he was the bearer of that Act to this colony." But I ask you, Can this possibly alter the solemn Act itself? for surely your own plain good sense will tell you, that Colonel Simcoe had no more power, either during his voyage or on his arrival here, to alter the charter committed to his charge, than I had power to alter the instructions which I lately delivered from His Majesty to both Houses of your Legislature; and so, if Colonel Simcoe, instead of saying that the constitution of this province "was the very image and transcript of that of Great Britain," had thought proper to compare it to the arbitrary governments of Russia or Constantinople, it would in no way have injured your liberties, or have altered one single letter of the written charter of your land.

2d. I have no wish to deny "that in the British constitution the King is assisted in all the affairs of Government by the advice of known and responsible Councillors, and officers who possess the confidence of the people," and who form His Majesty's Cabinet; but Colonel Simcoe, who yourselves state "was authorized undoubtedly by His Majesty's Government to declare to His faithful subjects in this province the nature of the constitution," created no such Cabinet, nor any Cabinet at all; and from his day down to the present hour there has never existed any ministry in the colony, except the Governor, who is himself the responsible minister of the Crown.

Supposing it were to be argued that four-fifths of the members of your House of Assembly ought immediately to be dismissed, because, in proportion to the population of Great Britain and Ireland, there exists five times as many members here as in the English House of Commons, would you not think it very irrational that this noble but thinly-peopled colony should be made "the exact image and transcript" of the British constitution, merely because Colonel Simcoe happened to use these words? Would you not immediately appeal to your Constitutional Act on the subject?

Would you deem it just that a young rising province like this should be afflicted with the same expensive machinery requisite for the government of the mother country, 4,000 miles off?

Would you not very fairly argue, that as the whole population of this immense country exceeds only by one-third that of the single parish of St. Mary-le-bone in London, and as the whole of its revenue does not equal the private fortune of many an English commoner, it would be unreasonable to expect that the people of this province should be ruined in vainly attempting to be the "exact image and transcript" of the British Constitution?

But the Constitution which His Britannic Majesty George the Third granted to this province, ordained no such absurdities; and you have only to read that Constitution, to see quite clearly the truth of this assertion.

The yeomen and industrious classes of Upper Canada should never allow a single letter to be subtracted from or added to this great charter of their liberties; for if once they permit it to be mutilated, or what may be termed improved, they and their children become instantly liable to find themselves suddenly deprived of their property, and, what is better than all property, of their freedom and independence.

By this Act, you are of course aware that a House of Assembly, a Legislative Council, and a Lieutenant-Governor are appointed; but it creates no Executive Council; and if people tell you that it does, read the Act, and you will see the contrary.

Now as regards the House of Assembly, you must know, that being your representatives, they are of course answerable to you for their conduct; and as regards the Lieutenant-Governor, I publicly declare to you, that I am liable to dismissal in case I should neglect your interests.

But, contrary to the practice which has existed in this or in any other British colony, contrary to Colonel Simcoe's practice, or to the practice of any other Lieutenant-Governor who has ever been stationed in this province, it has suddenly been demanded of me, that the Executive Council are to be responsible for my acts; and because I have refused, at a moment's warning, to surrender that responsibility which I owe to the people, whose real interests I will never abandon, I find that every possible political effort is now making to blind the public mind, and to irritate its most violent passions.

But I calmly ask, what can be the secret reason of all this? Is it usual for one person to insist on bearing another person's blame? or for a body of men to insist on receiving the punishment incurred by an individual superior to them in station? Why, therefore, should my council, whose valuable advice, if it were not to be forced upon me, I should be most anxious to receive, be required to demand from me my responsibility? What reason can exist for attempting to deprive me of the only consolation which supports any honest man in an arduous duty, namely; the reflection that he is ready to atone for every error he commits, and that he is subject to arraignment if he offends? Why should it be declared that responsibility would be more perfect with my council than with me? Are they purer
from

from party feelings, or less entangled with their family connexions than I am? How can gentlemen who have sworn to be dumb, be responsible to the yeomanry and people of this rising province? How could they possibly undertake to administer this government with mouths sealed by an oath which forbids them to disclose to any one the valuable advice they may conscientiously impart to me?

The answer to these questions is very short. The political party which demand responsibility for my council know perfectly well that the power and patronage of the Crown are attached to it; and it is too evident, that if they could but obtain this marrow, the empty bone of contention, namely, responsibility to the people, they would soon be too happy to throw away; and from that fatal moment would all those who nobly appreciate liberty, who have property to lose, and who have children to think of, deeply lament that they had listened to sophistry, had been frightened by clamour, and had deserted the representative of our gracious Sovereign, to seek British justice from his mute, but confidential advisers. This supposition, however, I will not permit to be realized; for never will I surrender the serious responsibility I owe to the people of this province; and I have that reliance in their honesty—I have lived so intimately with the yeomanry and industrious classes of our revered mother country, that I well know, the more I am assailed by faction, the stronger will be their loyal support; and that if intimidation be continued, it will soon be made to recoil upon those who shall presume to have recourse to it.

The grievances of this province *must* be corrected, impartial justice *must* be administered; the people have asked for it; their Sovereign has ordained it. I am here to execute His gracious commands; delay will only increase impatience. Those, however, who have long lived upon agitation, already too clearly see their danger, and with surprising alacrity they are now taking every possible measure to prevent me from rooting up the tree of abuse, because they have built and feathered their nests in its branches. They asked, however, for the operation, and to amputation they must very shortly submit; for "what's worth doing should always be done well."

I have come here for the avowed purpose of reform, but I am not an agitator; and by command of our gracious Sovereign, I will maintain the constitutional liberties of His subjects in this province, and at the same time encourage, to the utmost of my power, internal wealth, agriculture, commerce, peace and tranquillity.

With respect to my late council, I regret, quite as much as you can do, their resignation; but before they took the oath of secrecy (which appears to my judgment to be an oath of non-responsibility to the people), I addressed to them a note, which clearly forewarned them, as follows:—"I shall rely on your giving me your unbiassed opinion on all subjects respecting which I may feel it advisable to require it."

Three weeks after they had joined the council, they altogether, in a body, disputed this arrangement; and accordingly we parted on a matter of dry law.

No one can deny that my view of the subject agrees with the practice of Colonel Simcoe, and of all the succeeding Governors of this province, down to the day of Sir John Colborne's departure; but that is no proof whatever that the practice has been right; and if you would prefer to form your own opinion of the law, read the Constitutional Act.

With respect to my new council, whose high moral character I cannot but respect, I shall consult them as unreservedly as I had promised to consult those who have just resigned; and if any competent tribunal shall pronounce that they are responsible for my conduct, no one will be a greater gainer than myself by the decision.

In the meanwhile I shall deal openly and mildly with all parties; and I trust that I can give you no better proof of my own intention to be governed by reason than the explanation I have just offered to yourselves, the citizens and industrious classes who attended the Toronto Meeting.

(True Copies.)

(signed) J. Joseph.

(F.)

In the Name and on the behalf of HIS MAJESTY.

GEORGE P. R.

INSTRUCTIONS to our right trusty and right entirely beloved Cousin and Councillor Charles Duke of Richmond, Knight of the Most Noble Order of the Garter, General of our Forces, Our Captain-General and Governor-in-Chief in and over Our Province of Upper Canada in America, or, in his absence, to the Lieutenant-Governor or Commander-in-Chief of Our said Province for the time being. Given at Our Court at Carlton-House, the ninth day of May 1818, in the fifty-eighth year of Our Reign.

The King's
Instructions.

Charles Duke of Richmond, K. G.

(Instructions.)

1. WITH these Our Instructions you will receive Our Commission, under Our Great Seal of Our United Kingdom of Great Britain and Ireland, constituting you Our Captain-General and Governor-in-Chief in and over Our Provinces of Upper Canada and Lower Canada, bounded as in Our said Commission is particularly expressed. In the execution therefore of so much of the office and trust We have reposed in you as relates to Upper

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Canada, you are to take upon you the administration of the Government of the said province, and to do and execute all things belonging to your command according to the several powers and authorities of our said Commission, under Our Great Seal of Our United Kingdom of Great Britain and Ireland, and of the Act passed in the thirty-first year of Our reign therein recited, and of these Our Instructions to you, and according to such further Powers and Instructions as you shall at any time hereafter receive under Our signet and sign manual, by Our order in Our Privy Council.

2. And you are with all due solemnity before the members of Our Executive Council to cause Our said Commission to be read and published, which being done, you shall then take and also administer to each of the members of Our said Executive Council the several oaths, and subscribe to the declaration therein required.

3. You shall also administer, or cause to be administered, the oaths mentioned in Our said Commission to all persons, except as hereafter mentioned, that shall be appointed to hold or exercise any office, place of trust or profit, in our said province, previous to their entering on the duties of such office, and you shall also cause them to make and subscribe the aforesaid declaration; but in cases where any such office, place of trust or profit, in Our said province of Upper Canada, shall be conferred on any of Our subjects who may profess the religion of the Church of Rome, you shall, so often as any such person shall or may be admitted into any such office, place of trust or profit, administer, or cause to be administered, to him the oath prescribed in and by an Act of Parliament passed in the fourteenth year of Our reign, intituled, "An Act for making more effectual Provision for the Government of the Province of Quebec in North America;" and also the usual oath for the execution of such office, place of trust or profit in lieu of all other tests and oaths whatsoever.

4. Whereas We have thought fit that there should be an Executive Council for assisting you or Our Lieutenant-Governor or person administering the government of Our said province of Upper Canada for the time being; We do by these presents nominate and appoint the under-mentioned persons to be of the Executive Council of Our said province of Upper Canada, viz., William Dunmer Powell, Esq., Our Chief Justice, or the Chief Justice of Our said province for the time being, Jacob Lord Bishop of Quebec, James Baby, Samuel Smith, the Rev. John Strachan, D.D., and William Clause, Esq.: And whereas by an Order passed in the province of Quebec, the Governor and Council were constituted a Court of Civil Jurisdiction for hearing and determining appeals in certain cases therein specified: And whereas by an Act passed in the the thirty-first year of Our reign, it is declared, that the Governor, Lieutenant-Governor, or person administering the government of the said province, together with such Executive Council, shall be a Court of Civil Jurisdiction within Our said province for hearing and determining appeals within the same, in the like cases and in the like manner, and from and subject to such appeal therefrom as such appeals might have been before the passing of the above-recited Act, heard and determined by the Governor and Council of Quebec: in order, therefore, to carry the said Act into execution, Our will and pleasure is, that you do in all civil causes, on application being made to you for that purpose, permit and allow appeals from any of the Courts of Common Law in Our said province unto you, and the Executive Council of the said province of Upper Canada in manner prescribed by the above-mentioned Act; and you are for that purpose to issue a writ as nearly in the accustomed manner before the passing of the above-mentioned Act in respect of such appeals as the case will admit, returnable before yourself and the Executive Council of the said province, who are to proceed to hear and determine such appeal, wherein such of the Executive Council as shall be at that time Judges of the Court from whence such appeal shall be so made to you and to Our said Executive Council as aforesaid, shall not be admitted to vote upon the said appeal; but they may nevertheless be present at the hearing thereof to give the reasons of the judgment given by them in the causes wherein such appeal shall be made: Provided nevertheless, That in all such appeals the sum or value appealed for do exceed the sum of 300 *l.* sterling, and that security be first duly given by the appellant to answer such charges as shall be awarded; in case the first sentence be affirmed; and if either party shall not rest satisfied with the judgment of you and such Executive Council as aforesaid, Our will and pleasure is, that they may then appeal unto Us in Our Privy Council, provided the sum or value so appealed for unto Us do exceed 500 *l.* sterling, and that such appeal be made within fourteen days after sentence, and good security be given by the appellant, that he will effectually prosecute the same and answer the condemnation, as also pay such costs and damages as shall be awarded by Us, in case the sentence of you and the Executive Council be affirmed: Provided nevertheless, where the matter in question relates to the taking or demanding any duty payable to Us, or to any fee of office or annual rents, or other such like matters or things where the rights in future may be bound. In all such cases you and the said Executive Council are to admit an appeal to Us in Our Privy Council, though the immediate sum or value appealed for be of a less value. And it is Our further will and pleasure, that in all cases where by your instructions you are to admit appeals unto Us in Our Privy Council, execution shall be suspended until the final determination of such appeal, unless good and sufficient security be given by the appellee to make ample restitution of all that the appellant shall have lost by means of such decree or judgment; in case upon the determination of such appeal, such decree or judgment should be reversed and restitution awarded to the appellant. You and Our Executive Council are also to admit appeals unto us in Our Privy Council, in all cases of fines imposed for misdemeanors, provided that the fine so imposed amount to or exceed the sum of 100 *l.* sterling

sterling, the appellant first giving good security that he will effectually prosecute the same, and answer the condemnation if the sentence by which the fine was imposed in your government shall be confirmed.

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5. And that we may be always informed of the names and characters of persons fit to supply the vacancies which may happen in Our said Executive Council, you are, in case of any vacancy in Our said Council, to transmit to Us through one of Our Principal Secretaries of State, the names and characters of such three persons, inhabitants of Our said province of Upper Canada, whom you may esteem best qualified for fulfilling the trust of such Executive Council.

6. And in the choice and selection of such persons proposed to fill such vacancy in Our said Executive Council, as also of the chief officers of justice, you are always to take care that they be men of good life, well affected to Our Government, and of abilities suitable to their employment.

7. And whereas We are sensible that effectual care ought to be taken to oblige the members of Our Executive Council to a due attendance; it is Our will and pleasure, in order to prevent the many inconveniences that may happen for want of a quorum of the Council to transact business as occasion may require, that if any of the members of Our said Executive Council residing in Our said province shall hereafter wilfully absent themselves from the province, and continue absent above the space of six months together, without leave from you first obtained under your hand and seal, or shall remain absent for the space of one year without Our leave given them under Our royal signature, their places in the said Executive Council shall immediately thereupon become void. And We do hereby will and require you that this Our royal pleasure be signified to the several members of Our said Executive Council, and that it be entered in the Council Books as a standing rule.

8. And to the end that Our said Executive Council may be assisting to you in all affairs relating to Our service, you are to communicate to them such and so many of these Our Instructions wherein their advice is mentioned to be requisite, and likewise all such others from time to time as you shall find convenient for Our service to be imparted to them.

9. You are to permit the members of Our said Executive Council to have and enjoy freedom of debate, and vote in all affairs of public concern which may be debated in the said Executive Council.

10. And whereas by the aforesaid recited Act, passed in the thirty-first year of Our reign, it is provided, that the seats of the members of Our Legislative Council shall become vacant in certain cases mentioned in the said Act, it is Our will and pleasure that if any member of Our said Legislative Council shall at any time leave Our said province and reside out of the same, you shall report the same to Us, by the first opportunity, through one of Our Principal Secretaries of State, and you are also in like manner to report whether such member of the said Council is absent by your permission or by the permission of Our Lieutenant-Governor or Commander-in-Chief of the said province for the time being; and you are also in like manner to report, if it shall come to your knowledge, that any such member shall at any time take or have taken the oath of allegiance or obedience to any foreign prince or power, or shall be attainted for treason in any Court of Law within any of Our dominions, that We may take such measures thereupon as We shall think fit; and you are to take especial care that the several provisions of the said Act respecting the several cases in which persons may or may not be entitled to receive writs of summons to the said Legislative Council, and to hold their places therein, shall be duly executed.

11. And for the execution of so much of the powers vested in you by Our said Commission, and by virtue of the said Act, as relates to the declaring that you assent in Our name to Bills passed by the Legislative Council and House of Assembly, or that you withhold Our assent therefrom, or that you reserve such Bills for the signification of Our royal pleasure thereon; it is Our will and pleasure that you do carefully observe the following rules, directions and instructions:—viz.

That the style of enacting all the said laws, statutes and ordinances be by Us, Our heirs and successors, by and with the advice and consent of the Legislative Council and Assembly of Our province of Upper Canada, constituted and assembled by virtue and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual Provision for the Government of the Province of Quebec in North America,' and to make further Provision for the Government of the said Province," and that no Bill in any other form shall be assented to by you in Our name. That each different matter be provided for by a different law, without including in one and the same Act such things as have no proper relation to each other.

That no clause be inserted in any Act or Ordinance which shall be foreign to what the title of it imports, and that no perpetual clause be part of any temporary law.

That no law or ordinance whatever be suspended, altered, continued, reviewed, or repealed in general words, but that the title and date of such law or ordinance shall be particularly mentioned in the enacting part.

That in case any law or ordinance respecting private property shall be passed without a saving of the right of Us, Our heirs and successors, and of all persons or bodies politic or corporate, except such as are mentioned in the said law or ordinance, you shall declare that you withhold Our assent from the same; and if any such law or ordinance shall be passed without such saving, you shall in every such case declare that you reserve the same for the signification of Our royal pleasure thereon.

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That in all laws or ordinances for levying money, or imposing fines, forfeitures or penalties, express mention be made that the same is granted or reserved to Us, Our heirs and successors, for the public uses of the said province and the support of the government thereof as by the said law shall be directed; and that a clause be inserted, declaring that the due application of such money, pursuant to the directions of such law, shall be accounted for unto Us through Our Commissioners of Our Treasury for the time being, in such manner and form as we shall direct.

12. And whereas We have by Our said Commission given you full power and authority, subject as therein is specified and to these Our Instructions in that behalf, to issue writs of summons and election, and to call together the Legislative Council and Assembly of Our said province of Upper Canada; and for the purpose of electing the Members of the Assembly of Our said province of Upper Canada, have also given you full power and authority to issue a proclamation, dividing our said province of Upper Canada into districts or counties, or circles, and towns or townships, and declaring and appointing the number of representatives to be chosen by each of such districts or counties, or circles, and towns or townships; Now Our will and pleasure is, that you shall issue such proclamations as soon as may be, allowing nevertheless a reasonable time between the issuing thereof and the time of issuing the writs of summons and elections above mentioned.

13. That all laws assented to by you in Our name, or reserved for the signification of Our royal pleasure shall, when transmitted by you, be fairly abstracted in the margins, and accompanied with very full and particular observations upon each of them; that is to say, whether the same is introductory to a new law declaratory of a former law, or does repeal a law then before in being; and you are also to transmit in the fullest manner the reasons and occasion for proposing such laws, together with fair copies of the journals and minutes of the proceedings of the said Legislative Council and Assembly, which you are to require from the clerks or other proper officers in that behalf, of the said Legislative Council and Assembly.

14. And whereas in the said Act it is provided that in certain cases Acts passed by the Legislative Council and Assembly of the province shall, previous to any signification of Our assent thereto, be laid before both Houses of Our Parliament of this Kingdom; and whereas it is also provided in the said Act, that in certain cases provision may be made by the Acts of the Legislative Council and Assembly of the province, assented to by Us, Our heirs and successors (thereby reserving the power of giving such assent to Us, Our heirs and successors only), you are to take especial care that in every such case you are to declare that you reserve such Bills for the signification of Our pleasure thereon; and you will likewise reserve for such signification every other Bill which you shall consider to be of an extraordinary or unusual nature, or requiring Our especial consideration and decision thereupon, particularly such as may affect the property, credit or dealings of such of our subjects as are not usually resident within our said province, or whereby duties shall be laid upon British or Irish shipping, or upon the produce or manufactures of Great Britain or Ireland.

15. And whereas laws have been formerly enacted in several of Our plantations in America for so short a time that Our royal assent or refusal thereof could not be had before the time for which such laws were enacted did expire, you shall not assent in Our name to any law that shall be enacted for a less time than two years, except in cases of imminent necessity or immediate temporary expediency; and you shall not declare our assent to any law containing provisions which shall have been disallowed by Us, without express leave for that purpose first obtained from Us, upon a full representation by you to be made to Us, through one of Our Principal Secretaries of State, of the reasons and necessity of passing such law.

16. Whereas We have thought fit by Our Orders in Our Privy Council to disallow certain laws passed in some of Our colonies and plantations in America for conferring the privileges of naturalization on persons being aliens, and for divorcing persons who have been legally joined together in holy marriage; and whereas Acts have been passed in others of Our said colonies to enable persons who are Our liege subjects by birth or naturalization to hold and inherit lands, tenements and real estates, although such lands, tenements and real estates had been originally granted to or purchased by aliens antecedent to naturalization; It is Our will and pleasure that you do not, upon any pretence whatsoever, give your assent to any Bill or Bills that may hereafter be passed by the Legislative Council and Assembly of the said province under your government for the naturalization of aliens, nor for the divorce of persons joined in holy marriage, nor for establishing a title in any person to lands, tenements or real estates in Our said province originally granted to or purchased by aliens antecedent to naturalization.

17. You are to give warrants under your hand for the issuing of public monies for all public services, and We do particularly require you to take care that regular accounts of all receipts and payments of public monies be duly kept; that the same from time to time be duly audited by our Executive Council, and that copies thereof, attested by you, be transmitted every half-year, or oftener, if there should be occasion, to Our Commissioners of our Treasury or to Our High Treasurer for the time being, and duplicates thereof by the next conveyance; in which accounts shall be specified every particular sum raised or disposed of, to the end that We may take such measures as We may deem necessary for the examination of the said accounts, and that We may be satisfied of the right and due application of the revenues of Our said province of Upper Canada, and with the probability of the increase or diminution of it under every head and article thereof.

18. Whereas

18. Whereas by an Act of the Parliament of Great Britain, passed in the fourth year of Our reign, intituled, "An Act to prevent Paper Bills of Credit hereafter to be issued in any of His Majesty's Colonies and Plantations in America from being declared to be a legal Tender in payment of Money, and to prevent the legal Tender of such Bills as are now subsisting from being prolonged beyond the Periods limited for calling in and sinking the same," it is enacted, that no paper bills or bills of credit should be created or issued by an act, order, resolution or vote of Assembly, in any of Our colonies or plantations in America, to be a legal tender in payment; and that any such act, order, resolution or vote for creating or issuing such paper bills, or bills of credit, or for prolonging the legal tender of any such then subsisting and current in any of the said colonies and plantations, should be null and void; and whereas by another Act of Our said Parliament, passed in the thirteenth year of Our reign, intituled, "An Act to explain and amend the above recited Act," passed in the fourth year of Our reign as aforesaid, it is enacted, that any certificates, notes, bills or debentures which shall or may be voluntarily accepted by the creditors of the public within any of the colonies of America as security for the payment of what is due and owing to the said public creditors, may be made and enacted by the General Assemblies of the said colonies respectively, to be a tender to the public treasurers in the said colonies, for the discharge of any duties, charges or debts whatsoever, due to and payable at or in the said public treasuries of the said colonies, in virtue of laws passed within the same, and in no other case whatsoever: It is Our will and pleasure, that you do in all things conform yourself to the provisions of the said recited Acts, both with respect to the not assenting to any bills which may be presented to you for the purpose of issuing or creating paper bills or bills of credit to be a legal tender in payment; and the assenting to any bills by which such certificates, notes or debentures which may be voluntarily accepted in payment by the public creditors, shall be made a legal tender to the Treasury for taxes, duties and other payments to the public treasury.

19. You shall not remit any fines or forfeitures whatsoever above the sum of 10*l*., nor dispose of any forfeitures whatsoever, until, upon signifying unto the Commissioners of Our Treasury or Our High Treasurer for the time being, the nature of the offence and the occasion of such fines and forfeitures, with the particular sums or value thereof, which you are to do with all speed, you shall have received Our directions thereon; but you may in the mean time suspend the payment of the said fines and forfeitures.

20. And you are on every occasion to transmit to Us, through one of Our Principal Secretaries of State (with all convenient speed), a particular account of all new establishments of jurisdiction, courts, offices and officers, powers, authorities, fees and privileges, granted and settled within Our said province of Upper Canada; as likewise an account of all expenses (if any) attending the establishment of the said courts and offices.

21. It is Our further will and pleasure, that all commissions to be granted by you to any person or persons to be Judge, Justice of the Peace or other necessary officer, be granted during pleasure only.

22. You are not to suspend any of the Members of the said Executive Council, or to suspend or displace any of the Judges, Justices, Sheriffs or other officers or ministers within Our said province of Upper Canada, without good and sufficient cause; and in case of such suspension or removal, you are forthwith to transmit your reasons for the same to one of Our Principal Secretaries of State.

23. And whereas frequent complaints have been made of great delays and undue proceedings in the courts of justice in several of Our plantations, whereby many of Our good subjects have very much suffered; and it being of the greatest importance to Our service and to the welfare of Our plantations that the law be every where speedily and duly administered, and that all disorders, delays and other undue practices in the administration thereof be effectually prevented, We do particularly require you to take especial care that in all courts where you are authorized to preside, justice be impartially administered; and that in all other courts established within Our said province, all Judges and other persons therein concerned do likewise perform the several duties without delay or partiality.

24. You are to take care that no court of judicature be adjourned but upon good grounds, as also that no orders of any court of judicature be entered or allowed which shall not be first read and approved of by the Justices in open court; which rule you are in like manner to see observed with relation to all proceedings of Our Executive Council of Upper Canada, and that all orders there made be first read and approved in such Council before they are entered upon the Council Books.

25. You are to take care that all writs within the said Province of Upper Canada be issued in Our name.

26. You shall take care, with and by the advice and assistance of Our Executive Council, that such prisons as may at any time be necessary, be erected, and that the same or any other already erected be kept in such a condition as may effectually secure the prisoners which now are or may hereafter be confined in them.

27. You shall not suffer any person to execute more offices than one by deputy.

28. You shall not, by colour of any power or authority, hereby or otherwise granted or mentioned to be granted unto you, give, grant or dispose of any place or office within Our said province, which now is or shall be granted under the Great Seal of this kingdom, or to which any person is or shall be appointed, by warrant under Our signet and sign manual, any further than that you may, upon the vacancy of any such office or place, or upon the suspension of any such officer by you as aforesaid, put in any fit person to officiate in the interval till you shall have represented the matter unto Us, through one of our Principal Secretaries

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Secretaries of State, which you are to do by the first opportunity, and till the said office or place is disposed of by Us, Our heirs or successors, under the great seal of this kingdom, or until some person shall be appointed thereunto, under Our signet and sign manual, or until Our further directions be given therein. And it is Our express will and pleasure that you do give reasonable support to the patent officers in the enjoyment of their legal and established fees, rights, privileges and emoluments, according to the true intent and meaning of their respective patents.

29. And whereas several complaints have been made by the officers of Our customs in Our plantations in America, that they have frequently been obliged to serve on juries, and personally to appear in arms whenever the militia is drawn out, and thereby are much hindered in the execution of their employments; Our will and pleasure is, that you take especial care and give the necessary directions that the several officers of Our customs be excused and exempted from serving on any juries, or personally appearing in arms in the militia, unless in cases of absolute necessity, or serving any particular offices which may hinder them in the execution of their duties.

30. And whereas nothing can more effectually tend to the speedy settling of Our said province of Upper Canada, the security of the property of Our subjects and the advancement of Our revenue, than the disposal of such lands as are Our property, upon good and reasonable terms, and the establishing of a regular and proper method of proceeding, with respect to the passing of grants of such lands: It is Our will and pleasure that all and every person or persons who shall apply for any grant or grants of land, shall, previous to their obtaining the same, make it appear that they are in a condition to cultivate and improve the same; and in case you shall, upon a consideration of the circumstances of the person or persons applying for such grants, think it advisable to pass the same, you are in such case to cause a warrant to be drawn up, directed to the Surveyor-General, or other officer, empowering him or them to make a faithful and exact survey of the lands so petitioned for, and to return the said warrant within six months at farthest from the date thereof, with a plot or description of the lands so surveyed thereunto annexed; and when the warrant shall be returned by the said Surveyor or other proper officer, the grant shall be made out in due form, and the terms and conditions required by these Our Instructions, be particularly and expressly mentioned therein. And it is Our will and pleasure that the said grants shall be registered, within six months from the date thereof, in the Register's office, and a docket thereof be also entered in Our Auditor's office; copies of all which entries shall be regularly returned by the proper officer to Our Commissioners of Our Treasury.

31. And for the further encouragement of Our subjects, it is Our will and pleasure that the lands to be granted by you, as aforesaid, shall be laid out in townships, and that each inland township shall, as nearly as circumstances will admit, consist of ten miles square, and such as shall be situated upon a navigable river or water shall have a front of nine miles, and be twelve in depth, and subdivided in such manner as shall be found most advisable for the accommodation of the settlers, and for the making the several reservations for the public uses, and particularly for the support of the Protestant clergy, agreeably to the above-recited Act, passed in the 31st year of Our reign.

32. And because great inconveniences have heretofore arisen in many of Our colonies in America, from the granting excessive quantities of land to particular persons, who have never cultivated or settled the same, and have thereby prevented others more industrious from improving such lands; in order therefore to prevent the like inconveniences in future, it is Our will and pleasure that you observe the following directions and regulations in all grants to be made by you as aforesaid; (that is to say),

That no town-lot shall be granted to any one person being master or mistress of a family in any township so to be laid out which shall contain more than one acre; that no park-lot shall be granted to any one person being master or mistress of a family in any township so to be laid out which shall contain more than 24 acres; that no farm-lot shall be granted to any one person being master or mistress of a family in any township so to be laid out which shall contain more than 200 acres.

It is Our will and pleasure, and you are hereby allowed and permitted to grant unto every such person and persons such farther quantity of land as they may desire, not exceeding 1,000 acres over and above what may heretofore have been granted to them; and in all grants of land to be made by you as aforesaid you are to take care that due regard be had to the quality and comparative value of the different parts of land comprised within any township, so that each grantee may have as nearly as may be a proportionate quantity of lands of such different quality and comparative value, as likewise that the breadth of such tract of land to be hereafter granted be one-third of the length of such tract, and that the length of such tract do not extend along the banks of any river but into the main land, that thereby the said grantees may each have a convenient share of what accommodation the river may afford for navigation or otherwise.

33. And as a further accommodation to Our subjects who shall become settlers as aforesaid, it is Our will and pleasure that the said townships and the respective allotments within the same, together with the lands to be reserved as aforesaid, shall be seen and laid out by Our Surveyor-General of Lands for the said province, or some skilful person authorized by him for that purpose, which surveys, together with the warrants and grants and the respective allotments, shall be made out for and delivered to the several grantees free of any expense or fee whatever other than such as may be payable to the different officers according to the table of fees established upon grants of land made in the said province.

34. And

34. And in order to prevent any persons disaffected to Us and Our Government from becoming settlers in our said province of Upper Canada, it is Our will and pleasure that no warrant for surveying lands be granted by you or the Lieutenant-Governor, or person administering the government for the time being, unless the person or persons so applying for the same do, at the time of making such application, besides taking the usual oaths directed by law, also make and subscribe the following declaration in your or his presence, or in the presence of such person or persons as shall by you or him be appointed for that purpose; (that is to say)—

“ I, A. B., do promise and declare, that I will maintain and defend to the utmost of my power the authority of the King in his Parliament, as the supreme legislature of this province.”

35. Whereas the reserving of such bodies of land within Our province of Upper Canada, where there are considerable growths of timber fit for the use of Our royal navy, is a matter of the utmost importance to Our Service; it is Our will and pleasure that no grants whatever be made of lands in any district or tract of Our said province of Upper Canada until our Surveyor-General or his deputy, lawfully appointed, shall have surveyed the same, and marked out as reservations to Us, Our heirs and successors such parts thereof as shall be found to contain any considerable growth of masting or other timber fit for the use of Our royal navy, and more especially upon the rivers; and you are hereby entrusted to direct Our Surveyor-General of Lands in Our said province from time to time with all due diligence to complete the surveys and mark out the reservations as aforesaid, in the most convenient parts of Our said province; and you are from time to time to report the number, extent and situation of such reservations; and you are further to direct Our Surveyor-General not to certify any plots of ground ordered and surveyed for any person or persons in order that grants may be made out for the same, until it shall appear to him by a certificate under the hand of Our Surveyor-General of Woods, or his deputy, that the land so to be granted is not part of, nor included in, any district marked out as a reservation for Us, Our heirs and successors as aforesaid for the purpose hereinbefore mentioned; and in order to prevent any deceit or fraud being committed by the persons applying for lands in this respect, it is Our will and pleasure that in all grants to be hereafter made for lands within Our said province of Upper Canada, the following proviso and exceptions be inserted; that is to say, “ And provided also, that no part of the parcel or tract of land hereby granted to the said and his heirs, be within any reservation heretofore made and marked for Us, Our heirs and successors by Our Surveyor-General of Woods or his lawful deputy; in which case this Our grant for such part of the land hereby given and granted to the said and his heirs for ever as aforesaid, and which shall, upon a survey thereof being made, be found within any such reservation, shall be null and void and of none effect, anything herein contained to the contrary notwithstanding.”

36. And whereas it is necessary that all persons who may be desirous of settling in Our said province should be fully informed of the conditions and terms upon which lands will be granted within Our said province of Upper Canada in the manner prescribed in and by the said Act passed in the thirty-first year of Our reign; you are therefore, as soon as possible, to cause a publication to be made by proclamation or otherwise, as you shall in your discretion think most advisable, of the said terms and conditions respecting the granting of lands; in which proclamation it may be expedient to add some short description of the natural advantages of the soil and climate, and its peculiar convenience for trade and navigation.

37. And it is Our further will and pleasure that all the foregoing instructions to you as well as any which you may hereafter receive relative to the passing grants of land, in conformity to the said Act passed in the thirty-first year of Our reign, be entered upon record for the information and satisfaction of all parties whatever that may be concerned therein.

38. And whereas it hath been represented to Us, that many parts of the province under your government are particularly adapted to the growth and culture of hemp and flax; it is therefore our will and pleasure that in all surveys for settlements the Surveyor be directed to report whether there are any or what quantity of lands contained within such surveys for the production of hemp and flax.

39. And whereas it has been represented to us that several parts of Our said province of Upper Canada have been found to abound with coals; it is Our will and pleasure that in all grants of land to be made by you a clause be inserted reserving to Us, Our heirs and successors all coals and also all mines of gold, silver, copper, tin, iron and lead which shall be discovered upon such lands.

40. You shall cause a survey to be made of all considerable landing places or harbours in Our said province, in case the same shall not already have been done, and report to Us by one of Our Principal Secretaries of State how far any fortifications be necessary for the security and advantage of the said province.

41. Whereas the establishment of proper regulations on matters of ecclesiastical concern is an object of very great importance, it will be your indispensable duty to take care that no arrangements in regard thereto be made, but such as may give full satisfaction to Our new subjects in every point in which they have a right to any indulgence on that head; always remembering that it is a toleration of the free exercise of the religion of the Church of Rome only to which they are entitled, but not to the powers and privileges of it as an established church, that being a preference which belongs only to the Protestant Church of England.

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42. And upon the principles, therefore, and to the end that Our just supremacy in all matters ecclesiastical as well as civil may have its due scope and influence;

It is Our will and pleasure, First, that all appeals to a correspondence with any foreign ecclesiastical jurisdiction, of what nature or kind soever, be absolutely forbidden, under very severe penalties.

Secondly, That no episcopal or vicarial power be exercised within Our said province by any person professing the religion of the Church of Rome, but such only as are indispensably and indisputably necessary to the free exercise of the Romish religion; and in those cases not without a license and permission from you, under the seal of Our said province, for and during Our will and pleasure, and under such limitations and restrictions as may correspond with the spirit and provisions of the Act of the fourteenth year of Our reign, "for making more effectual Provision for the Government of the Province of Quebec;" and no person whatever is to have holy orders conferred upon him, or have the cure of souls, without a license for that purpose first had and obtained from you.

Thirdly, That no person professing the religion of the Church of Rome be allowed to fill any ecclesiastical benefice, or to have and enjoy any of the rights or profits belonging thereto, who is not a Canadian by birth (such only excepted as are now in possession of any such benefices), and who is not appointed thereto by Us or under Our authority; and that all right or claim of right in any other person whatever to nominate, present or appoint to any vacant benefice, other than such as may lay claim to the patronage of benefices as a civil right, be absolutely abolished; no person to hold more than one benefice, or at least not more than can reasonably be served by one and the same incumbent.

Fourthly, That no person whatever professing the religion of the church of Rome be appointed incumbent of any parish in which the majority of the inhabitants shall solicit the appointment of a Protestant minister; in such case the incumbent shall be a Protestant, and entitled to all tithes payable within such parish; but, nevertheless, the Roman Catholics may have the use of the church for the free exercise of their religion, at such time as may not interfere with the religious worship of the Protestants; and in like manner the Protestant inhabitants in every parish where the majority of the parishioners are Roman Catholics shall notwithstanding have the free use of the church for the exercise of their religion, at such times as may not interfere with the religious worship of the Roman Catholics.

Fifthly, That no incumbent professing the religion of the Church of Rome appointed to any parish shall be entitled to receive any tithes for lands or possessions occupied by a Protestant, but such tithes shall be received by such persons as you shall appoint, and shall be reserved in the hands of Our Receiver-General as aforesaid for the support of a Protestant clergy in our said province, to be actually resident within the same, and not otherwise, according to such directions as you shall receive from Us in that behalf; and in like manner all growing rents and profits of a vacant benefice shall during such vacancy be reserved for and applied to the like uses.

Sixthly, That all persons professing the religion of the Church of Rome who are already possessed of, or may hereafter be appointed to, any ecclesiastical benefice, or who may be licensed to exercise any power or authority in respect thereto, do take and subscribe before you in Council, or before such person as you shall appoint to administer the same, the oath required to be taken and subscribed by the aforesaid Act of Parliament passed in the fourteenth year of Our reign, intituled, "An Act for making more effectual Provision for the Government of the Province of Quebec in North America."

Seventhly, That all incumbents of parishes professing the Romish religion, not being under the ecclesiastical jurisdiction of the Bishop of Quebec, shall hold their respective benefices during their good behaviour, subject, however, in case of any conviction for criminal offence, or upon due proof of seditious attempts to disturb the peace and tranquillity of Our government, to be deprived or suspended by you.

Eighthly, That such ecclesiastics as may think fit to enter into the holy state of matrimony shall be released from all penalties to which they may have been subjected in such cases by any authority of the see of Rome.

Ninthly, That freedom of the burial of the dead in the churches and churchyards be allowed indiscriminately to every Christian persuasion.

Tenthly, That the Royal Family be prayed for in all churches and places of public worship, in such manner and form as is used in this kingdom, and that Our Arms and insignia be put up not only in all such churches and places of holy worship, but also in all courts of justice, and that the Arms of France be taken down in any such church or court where they may at present remain.

43. You are to permit liberty of conscience and the free exercise of all such modes of religious worship as are not prohibited by law to all persons who may inhabit and frequent the province of Upper Canada, provided they be contented with a quiet and peaceable enjoyment of the same, without giving offence or scandal to the Government.

44. It is Our will and pleasure to reserve to you the granting of licenses for marriage, letters of administration and probates of wills, as heretofore exercised by you and your predecessors, and also to reserve to you and all others to whom it may lawfully belong, the patronage and right of presentation to benefices; but it is Our will and pleasure that the person so presented shall be instituted by the Bishop or his commissary duly authorized by him.

45. You are to take especial care that God Almighty be devoutly and duly served throughout your government, that the Lord's day be duly kept, and the services and prayers appointed

appointed by and according to the book of Common Prayer be publicly and solemnly performed throughout the year.

46. You are to take care that the churches which are or may be hereafter erected in Our said province of Upper Canada be well and orderly kept.

47. You shall recommend to the Legislative Council and General Assembly of the province of Upper Canada to settle the limits of parishes in such manner as may be deemed most convenient.

48. You are to use your best endeavour that each minister be constituted one of the vestry in his respective parish, and that no vestry be held without him, except in case of sickness, or that, after notice given of a vestry, he omit to come.

49. It is Our will and pleasure that you recommend to the Legislative Council and Assembly of Our said province of Upper Canada to make due provision for the erecting and maintaining of schools where youth may be educated in competent learning, and in knowledge of the principles of the Christian religion.

50. And it is Our further will and pleasure that no person shall be allowed to keep a school in the province of Upper Canada without your license first had and obtained; in granting of which you are to pay the most particular attention to the morals and qualifications of persons applying for the same; and in all cases where the school has been instituted or appointed for the education of members of the Church of England, or where it is intended that the schoolmaster should be a member of the Church of England, you are not to grant such licenses except to persons who shall first have obtained from the Bishop of Quebec or one of his commissaries a certificate of their being properly qualified for that purpose.

51. And it is Our further will and pleasure that in order to suppress every species of vice, profaneness and immorality, you do forthwith cause all laws made against blasphemy, profaneness, adultery, fornication, polygamy, incest, profanation of the Lord's Day, swearing and drunkenness to be strictly put in execution in every part of the province of Upper Canada; and that for this purpose you do direct that the constables and churchwardens of the several parishes do make presentment upon oath of any of the vices before mentioned to the justices of the peace in their session, or to any other of the temporal courts; and you are earnestly to recommend to the Legislative Council and Assembly to provide effectual laws for the restraint and punishment of all such of the aforementioned vices against which no laws are as yet provided, or in cases where the laws already made are found to be insufficient; and in order to discountenance vice and promote the practice of virtue to the utmost of your power, We do hereby strictly command and enjoin you to appoint no person to be a justice of the peace, or to any trust or employment, whose notorious ill life or conversation may occasion scandal.

52. You are not to present any Protestant minister to any ecclesiastical benefice within Our said province, by virtue of the said Act passed in the 31st year of Our reign, and of Our commission to you, without a proper certificate from the Bishop of Quebec, or his Commissary, of his being conformable to the doctrine and discipline of the Church of England.

53. And you are to take especial care that the table of marriages established by the Canons of the Church of England be hung up in all places of public worship, according to the rites of the Church of England.

54. It is our intention that the peltry trade of the interior country shall be free and open to Our subjects, inhabitants of any of Our colonies, who shall, pursuant to what was directed by our Royal Proclamation of 1763, obtain trading licenses from the Governor of any of Our said colonies, under penalties to observe such regulations as shall be made by Our Legislature of Our province of Upper Canada for that purpose. These regulations, therefore, when established, must be made public throughout all our American possessions; and they must have for their object the giving every possible facility to that trade which the nature of it will admit, and which may be consistent with just and fair dealing towards the native Indians with whom it is carried on. The fixing stated times and places for carrying on the trade, and adjusting modes of settling tariffs of the price of goods and furs, and above all, the restraining the sale of spirituous liquors to the Indians, will be the most profitable and effectual means of answering the ends proposed.

55. And whereas it is expedient for Our service that we should from time to time be informed of the state of the trade and fisheries as well as of the population of the said province of Upper Canada; it is Our will and pleasure that you do transmit to Us through one of Our Principal Secretaries of State, and to Our Committee of Our Privy Council for Trade and Foreign Plantations, for their information, yearly and every year, a full and particular account of the state of the fur and peltry trade; the nature and extent of the several fisheries carried on by Our subjects or others, either on the lakes or rivers of the said province; the state of the cultivation, particularly specifying the quantity of grain, hemp and flax produced; and of any other important branch of trade which may in your opinion be undertaken and advantageously carried on by Our subjects; the number of inhabitants, distinguishing them under the different heads of men, women and children; inserting in such account the number of persons born, christened and buried, and any extraordinary influx or emigration from our said province, specifying at the same time the number of slaves and the number of Our subjects capable of bearing arms in the militia; the number and tonnage of shipping and craft employed upon the lakes and rivers in or contiguous to the province of Upper Canada, together with any information on these or any other points of the like nature which may be proper to be communicated to us.

Appendix.

The King's
Instructions.

Appendix.
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The King's
Instructions.

56. And whereas you will receive from Our Commissioners for executing the office of High Admiral of Our United Kingdom of Great Britain and Ireland, and of the plantations, a commission constituting you Vice-Admiral of Our said province of Upper Canada; you are required and directed carefully to put in execution the several powers thereby granted to you.

57. Whereas it is absolutely necessary that We be exactly informed of the state of defence of all Our plantations in America, as well in relation to the stores of war that are in each plantation, as to the forts and fortifications there, and what more may be necessary to be built for the defence and security of the same. You are from time to time to transmit an account thereof with relation to Our said province of Upper Canada, in the most particular manner; and you are therein to express the present state of arms, ammunition and other stores of war belonging to the said province, either in any public magazines or in the hands of private persons, together with a state of all places either already fortified, or that you may judge necessary to be fortified, for the security of Our said province; and you are to transmit the said accounts to Us by one of Our Principal Secretaries of State, and also duplicates to Our Master-general or principal officers of Our Ordnance; which accounts are to express the particulars of ordnance, carriages, balls and powder, and all other sorts of arms and ammunition now in Our public stores; and so, from time to time, of what shall be sent to you or bought with the public money, and to specify the time of the disposal and the occasion thereof, and other like accounts half-yearly in the same manner.

58. And in case of distress in any other of Our plantations, you shall, upon application of the respective governors to you, assist them with what aid the condition and safety of Our said province under your government can spare.

59. If any thing shall happen which may be of advantage or security to Our province under your government, which is not herein or by your commission provided for, We do hereby allow unto you, with the advice and consent of Our said Executive Council, to take order for the present therein; provided, nevertheless, that what shall be done be not repugnant to Our Commission or Instructions, and to the said Acts passed in the fourteenth and thirty-first year of Our reign; giving unto Us by one of Our Principal Secretaries of State speedy notice thereof, that you may receive Our ratification, if We shall approve the same; Provided always, that you do not, by colour of any power or authority hereby given you, commence or declare war without Our knowledge and particular command therein, except it be for the purpose of preventing or repelling hostilities, or unavoidable emergencies, when the consent of Our said Executive Council shall be had, and speedy notice given thereof to Us by one of Our Principal Secretaries of State.

60. And whereas great prejudice may happen to Our service and to the security of Our said province by your absence or the absence of the Lieutenant-Governor for the time being; you shall not upon any pretence whatsoever come to Europe without having first obtained leave for so doing from Us, under Our signet and sign manual, or by Our order in Our Privy Council.

61. And whereas we have thought fit by Our Commission to direct, that in case of your death or absence from Our said province, and in case there be at that time no person commissioned or appointed by Us to be Our Lieutenant-Governor, or appointed by Us to administer the government within the province, in the event of the death or absence of you and of Our Lieutenant-Governor of the said province, the senior member of the Executive Council, who shall be at the time of your death or absence residing within Our said province of Upper Canada, subject to such other nomination and appointment by you under the great seal of Our said province, as in Our said Commission is in that behalf mentioned, shall take upon him the administration of the government, and execute Our said Commission and Instructions, and the several powers and authorities therein contained, in the manner hereby directed. It is nevertheless Our express will and pleasure, that in such case the person so administering the government shall forbear to assent to any acts but what are immediately necessary for the welfare of Our said province, without Our particular orders for that purpose; and that he shall not take upon him to dissolve the Assembly then in being, nor to remove or suspend any of the members of Our said Executive Council, nor any judges, justices of the peace or other officers, civil or military, without the advice and consent of the majority of the said Executive Council; and he is by the first opportunity to transmit to Us, by one of Our Principal Secretaries of State, the reasons of such alterations, signed by him and the Council; and our will and pleasure is, that the above Instructions with respect to such senior Councillor shall also be equally observed by and be binding upon such other Executive Councillor as may be nominated and appointed by you under the great seal of Our said province, by virtue of Our said Commission in that behalf.

62. And whereas by Our different Commissions we have appointed you to be Our Governor and Commander-in-Chief of Our Provinces of Upper Canada and Lower Canada; Our Province of Nova Scotia; Our Islands of Prince Edward and Cape Breton, as well as of Our Province of New Brunswick; and it is Our intention that the Lieutenant-Governors commanding in Our said Provinces of Upper Canada, New Brunswick and Nova Scotia, and the Islands of Prince Edward and Cape Breton, should have and enjoy the full salaries, perquisites and emoluments, granted to them and arising from their respective governments, in as full and ample a manner as if the said governments were under distinct governors-in-chief. It is therefore Our will and pleasure that you shall not at any time or times, when you shall be resident and commanding in chief in either of Our said provinces of Upper
Canada,

Canada, Nova Scotia or New Brunswick, or the Islands of Prince Edward and Cape Breton, have or receive any part of the said salaries, perquisites or emoluments; but that the same shall continue to be paid and satisfied to the Lieutenant-Governors of Our said Provinces and Islands respectively, in the like manner as they usually are during your absence therefrom. Appendix.
The King's
Instructions.

63. And you are upon all occasions to send to Us, by one of Our Principal Secretaries of State, a particular account of all your proceedings, and of the condition of affairs within your government.

(A true copy.)

(signed) *J. Joseph.*

(G.)

COPY of the OATH taken by every Member of the Executive Council.

You do swear, that so far forth as cunning and discretion sufficeth, you will justly, truly and evenly counsel and advise the King and his representative in the government of this province, in all matters to be communed, treated and demeaned in the Executive Council, or by you as the King's counsellor, without partiality or exception of persons, not leaving or eschewing so to do, for affection, love, meed, doubt or dread of any person or persons. Oath taken by
Executive Council.

You shall keep secret the King's counsel, and all that shall be communed, by way of counsel in the same, and shall not discover it by word or writing, or in any otherwise, to any person out of the same Council, or to any of the same Council if it touch him, or be party thereof.

You shall not gift, meed good, or promise of good, by any man, or, by promise of any other person, accept or take, for any promotion, favouring, letting or hindering, any matter or thing to be treated or done in the said Council.

You shall, with all your might and power, help and strengthen the King's said Council for the good of the King and this province, and for the peace, rest and tranquillity of the same.

You shall withstand any person or persons, of whatever condition, estate or degree, that should attempt or intend the contrary; and, generally, you shall observe, keep and do all that a good and true councillor ought to do unto his sovereign lord, or his representative in this province.

(signed) *John Beikie,*
Clerk, Executive Council.

(H.)

ADDRESS to HIS MAJESTY on the subject of the Legislative Council.

To the King's most Excellent Majesty.

Most gracious Sovereign,

WE, your Majesty's most dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly represent, that we have applied ourselves with the greatest diligence during the present Session of the Provincial Parliament, to various subjects of great interest to our constituents; and although our proceedings have been unavoidably interrupted, to a degree altogether unprecedented, by the trial of controverted elections, and although many of the members of this House have laboured under the disadvantage of having been without parliamentary experience; yet the necessary measures on the subjects to which we have alluded have been brought to a satisfactory conclusion, and completed as far as depended on this House, and have been sent to the Legislative Council. It is with no ordinary mortification and regret, however, that we find our exertions during a most laborious session rendered unavailing in respect to most of these measures, by the rejection of them by the Legislative Council. Among such as have shared this fate, are Bills to protect the agricultural interests of this Province from a ruinous foreign competition;—to provide for the just and equal distribution of the property of persons dying intestate;—to secure an impartial trial by jury, and to take from the sheriffs, who hold their offices during pleasure, the power which they now possess of packing juries; to relieve an excellent and meritorious class of your subjects from burthens and penalties which are imposed by the Militia Laws of this Province, and which are oppressive on them, and which in time of peace are altogether unnecessary;—to improve the system of our common and district schools, and to increase the public funds for their support;—to amend the charter of King's College, in conformity with Your Majesty's gracious recommendations, and with the wishes which have at different times been strongly expressed to Your Majesty by your faithful subjects in this province, so as to put that institution into operation on just and liberal principles;—to provide for the sale of the clergy reserves, and the application of the monies arising therefrom to objects of common benefit and great utility to Your Majesty's subjects in this province, in accordance with Your Majesty's gracious invitations, and with the well-known and often expressed wishes of Your Majesty's subjects;—to promote the peace, freedom and independence of elections of Members of Parliament, by adopting the mode of voting by ballot;—to grant 100 *l.* per annum for five years

Appendix.

Address to the
King.

years to the Prantham and Bath Academies, institutions of education established by the voluntary contribution of the people, on and liberal principles.

All these measures, and others which we will not trouble Your Majesty with enumerating, have been rejected by the Legislative Council without amendment, and the labours of this House, during a session which we think we may justly declare has been distinguished for unprecedented diligence and application to public business, almost entirely baffled and rendered useless by the course pursued by the Legislative Council. If there were any reason to hope that these difficulties could be obviated, or materially diminished in future, we should not trouble Your Majesty; but the experience of years convinces us, that on many subjects of great and general interest there is such a disagreement of opinion between the Legislative Council, as now constituted, and the representatives of the people, as to bring us to the conclusion, which indeed the Legislative Council itself has expressed in relation to one of the most deeply interesting of these subjects, namely, that the Legislature of this province cannot concur in any measure that will be satisfactory to Your Majesty's subjects in this province. We are aware that Your Majesty has been officially informed by his Excellency Sir John Colborne, that "composed as the Legislative Council is at present, the province has a right to complain of the great influence of the Executive Government in it; that it consists of seventeen members, exclusive of the Bishop of Quebec; that of these, from accidental causes, not more than fifteen ever attend to their legislative duties; that thus, out of the members generally present, six are of the Executive Council, and four hold offices under the government; and that his Excellency had therefore intimated his intention of recommending to Your Majesty to increase the Legislative Council." And it was no doubt with a desire to remedy this evil, equally felt by the people and his Excellency, that Your Majesty has since added to their number. But it is our duty to assure Your Majesty that this change has not abated the evil of which we have such serious causes to complain, while it has, on the contrary, produced that further division of responsibility amongst its members which lessens the consciousness of individual accountability, without establishing any community of feeling or sentiments of respect between them and the people.

We do not wish to advert to this unpleasant and mortifying condition of our public affairs, in language that shall be disrespectful or offensive to the Legislative Council; nor do we presume to prescribe to Your Majesty what expedient should be adopted to afford relief in the premises to Your Majesty's dutiful and loyal subjects in this province, who, we are confident, desire that Your Majesty's attention should be called to it, and that we should humbly leave it to Your Majesty's wisdom to apply a suitable remedy.

In connexion with this subject, we feel bound to represent to Your Majesty, that it is the earnest desire of Your Majesty's faithful subjects, that Your Majesty's Government in this province should be conducted by the advice of those who should be actually and practically responsible for their proceedings, and who would, as a consequence, be likely to recommend and favour such public measures as may be most desired by Your Majesty's subjects, and in their opinion most conducive to their interests. We behold Your Majesty, in the administration of the affairs of the great Empire which Providence has committed to Your Majesty's hands, graciously consulting the wishes of your faithful people, as expressed by their representatives, in the choice of responsible advisers, to manage, under Your Majesty, the affairs of the Government; and we have been accustomed to regard it as an essential and invaluable feature of the glorious constitution of our mother country. The same principle we wish to see applied in the practice of our Colonial Government; until that is done, we cannot expect that the administration will give satisfaction to Your Majesty's subjects, or that there will be any real and permanent harmony between the Government and the representatives of the people. It is true, that we might withhold the annual grant for the support of the Government as a mark of our dissatisfaction with this state of things, and as a means of procuring redress; but being anxious to evince our forbearance, and desire to avoid as long as possible contention and difficulty, as well as to show our confidence in Your Majesty's paternal regard for your faithful people in this province, and gracious attention to their constitutional rights; and being reluctant to resort to a measure which we are aware must greatly embarrass the Government, until all other constitutional means of seeking redress have been tried and proved unavailing, we have preferred thus to appeal to Your Majesty for Your Majesty's gracious and effectual interference in our behalf; and have, notwithstanding our just dissatisfaction with the existing state of things, and notwithstanding the pecuniary distress which prevails in the province, granted, for the present year, the necessary supplies for the support of the Government, in the confident hope that effectual steps will immediately be taken for the removal of these obstacles to the peace, welfare and good government of the province. When it is considered that the ministers who, sometimes in rapid succession, fill the Colonial department under Your Majesty, are strangers to our province, and too distantly situated to acquire, through channels, often contradictory and interested, a true and correct knowledge of the wants, wishes and genius of Your Majesty's Canadian people, the practical need of local responsibility becomes more apparent and imperious.

(signed) *Marshall S. Bidwell,*
Speaker.

Commons House of Assembly, }
15th day of April 1835. }

On

On passing the above Address, the Yeas and Nays were as follows :	
Yeas.—Alway, Bruce, Chisholm, Duncombe of Oxford, Duncombe of Norfolk, Durand, Gibson, Gilchrist, Lount, Mackintosh, Mackenzie, MacMicking, Moore, Morrison, Park, Perry, Roblin, Rymal, Shaver, Shibley, Smith, Thorburn, Waters, Wells, Wilson and Yager	26
Nays.—Brown, Caldwell, MacCrae, MacDonell of Glengary, MacDonell of Northumberland, MacLean, MacNab, Merritt, Morris, Richardson, Robinson, Rykert, Solicitor-General, Walsh, Wilkinson	15

(I.)

TO THE KING'S MOST EXCELLENT MAJESTY.

Most gracious Sovereign,

WE, your Majesty's most dutiful and loyal subjects, the Commons House of Assembly of Upper Canada, in Provincial Parliament assembled, in full assurance of Your Majesty's earnest desire to promote the welfare of your people, beg leave humbly to address ourselves to Your Majesty upon a matter of the deepest interest to your faithful subjects in this province.

We learn with extreme apprehension and regret, that at the instance of the Lords Commissioners of Your Majesty's Treasury, Your Majesty has been advised to entertain the intention of disallowing two Acts of the Legislature of this Colony, which were passed more than two years ago; the one for increasing the capital stock of the bank of Upper Canada, and the other for incorporating a second banking association in this province under the name of the Commercial Bank of the Midland District.

We humbly represent, that, although the disallowance of these Acts may appear to be authorized by the letter of the Statute of the British Parliament, passed in the thirty-first year of the reign of Your Majesty's Royal Father, intituled, "An Act to repeal certain Parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America,' and to make further Provision for the Government of the said Province;" yet it is contrary to its spirit and meaning and the principles of a free government. We believe that this provision was intended to remedy any evil which might be occasioned by the Royal Assent being given in the colony to a provincial Act, that should be found incompatible with the rights and interests of other portions of the empire; but we cannot think it was intended to give the power of interference with our internal affairs; against such an interference we respectfully, but plainly and solemnly protest, as inconsistent with those sacred constitutional principles which are essential to a free government; since it is manifest, that if Your Majesty's Ministers, at a distance of more than four thousand miles, and not at all controllable by or accountable to Your Majesty's subjects here, and possessing necessarily a slight and imperfect knowledge of the circumstances of this country, the wants, and habits and feelings of the inhabitants, and the mode of transacting business among us can dictate a different course, in relation to measures affecting ourselves only, from that which the people by their representatives, and with the concurrence of the other branches of the Provincial Legislature, have chosen, we are reduced to a state of mere dependence upon the will and pleasure of a Ministry that are irresponsible to us, and beyond the reach and operation of the public opinion of the province; and no one can rely upon our provincial laws, although they may be constitutionally and deliberately formed, but the most unhappy uncertainty and want of confidence will prevail and extend their disastrous influence over all our business transactions.

We respectfully claim the same right in behalf of Your Majesty's subjects in this province, to be consulted in the making of laws for their peace, welfare and good government, which our fellow subjects in Great Britain enjoy, in respect to the laws to which their obedience is required; and although, from the necessity of the case, power must be granted to the head of the empire of preventing colonial laws being adopted and enforced, which are incompatible with treaties between Your Majesty's Government and foreign states, or with the just rights of any other of Your Majesty's colonies; yet, with these exceptions, we humbly submit, that no laws ought to be, or rightfully can be, dictated to or imposed upon the people of this province, to which they do not freely give their consent through the constitutional medium of representatives chosen by and accountable to themselves.

The force of our humble and dutiful remonstrance against the principle of an interference of Your Majesty's Ministers with our internal affairs, we are not willing to diminish, by insisting upon the inconveniences and evils likely to follow from the exercise of the power, which the letter of the British statute, before quoted, gives to Your Majesty to disallow the provincial Acts which we have mentioned; but we cannot refrain from declaring our painful and settled conviction, that the disallowance of these Acts, after they have been for a long time in operation, so that the most frequent and ordinary, as well as the most extensive and important transactions of business in the province depend upon their continued existence, would be attended with confusion and distress beyond description, without any benefit to the province, and without any advantage whatever to any portion of Your Majesty's dominions.

Appendix.

Address to the
King.

We therefore respectfully and humbly pray, that Your Majesty, taking these matters into your favourable consideration, will be graciously pleased not to disallow these provincial Acts, and not permit Your Majesty's Ministers to interfere with our internal affairs, but to leave the same entirely to the discretion and control of the Legislature of this province.

We beg to renew our assurances of entire devotion to Your Majesty's person and Government,

Commons House of Assembly, }
3 March 1834.

Archibald M'Lean,
Speaker.

Yeas:—Berczy, Bidwell, Boulton, Buell, Burwell, Campbell, Chisholm, Clark, Cook, Crooks, Duncombe, Elliott, Fraser, A., Fraser, D., Hornor, Howard, Jarvis, Lewis, MacDonald, A., M'Donald, D., MacNab, Merritt, Morris, Perry, Randal, Robinson, Samson, Shaver, Van Roughnet, Willson, J., Wilson, W., - - 31. Nay:—Mr. Ketchum.

(K.)

To his Excellency Sir *Francis Bond Head*, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant-Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

Address of Com-
mons House of
Assembly.

WE His Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, beg leave to request that your Excellency will cause to be laid before this House, with as little delay as possible, an entire copy of what is generally termed "The King's Instructions" to the Governors of Upper and Lower Canada; and also copies of any other instruction not heretofore laid before this House, touching the duties or responsibilities of the Executive Council of this province; as also any instructions from His Majesty's Government, touching the administering the government of this Province by any Executive Councillor, in the event of the death or removal from the Province of the Governor, Lieutenant-Governor, or person administering the Government; and also copies of any bond or agreement between your Excellency and any of your present Executive Council, or between any two or more of the said Council, by which it is stipulated in what manner the government shall be administered, or who shall administer the government of this province in case of the above-named occurrence.

Commons House of Assembly, }
23 March 1836.

Marshall S. Bidwell,
Speaker.

GENTLEMEN,

I herewith transmit as much of the information desired by the House as I possess.

I have entered into no bond or agreement of any sort with my present Executive Council, and I do not possess, nor does there exist in Council, any document of such a nature between two or more of the said Council.

(L.)

Committee Room, House of Assembly,
Monday, 28 March 1836.

Present:—Messrs. Perry, Chairman.

Duncombe.

Morrison.

Roblin.

Norton.

Robert Baldwin Sullivan, Esq., called in; and interrogated.

Evidence before
Select Committee
of House of
Assembly.

Question 1. ARE you senior member and presiding Councillor of the Executive Council?

—*Answer.* Yes.

Q. 2. Is there any written agreement existing between yourself and any of the other members of the Executive Council, by which it is stipulated on your part in what way the government should be administered in the event of the death or removal from the province of the Lieutenant-Governor?—*A.* There is no agreement in existence by which it is stipulated how the government of the province shall be administered in the event mentioned in the question. At the time the Council were about to be sworn in, I expressed a wish that it might be understood that, in either of the events mentioned, it was my intention to resign my place as Executive Councillor, as it was not my desire, in any event, to fill the situation of administrator of the government. At my request this intention was expressed in writing, and I signed it.

Q. 3. Is the instrument you mention under seal, or witnessed?—*A.* It is neither under seal nor witnessed.

Q. 4. Into whose hands did you deliver the document?—*A.* Into the hands of the Hon. William Allan.

Q. 5. Did

Q. 5. Did any other person know of the existence of the document?—A. Yes, it was not intended that my intention should be secret. His Excellency the Lieutenant-Governor was present when it was read and delivered to Mr. Allan.

Q. 6. Did his Excellency the Lieutenant-Governor write the document, or was it written by his Excellency's order?—A. I proposed that my intention should be expressed in writing, and I wished that the writing should be drawn up by some person other than myself; upon which his Excellency, being present, was kind enough to draw it up.

Q. 7. Was the writing intended to be legally binding upon you?—A. Certainly not.

Q. 8. What was the object or intention of the paper in question, if it was not intended to be legally binding?—A. It was intended for my own satisfaction, that it might not be said that I had it in view to fill the situation of administrator of the government.

Q. 9. Do you think you could constitutionally resign in case of either of the above events, and give place to another who could administer the government?—A. I could transmit my resignation to His Majesty's Government, and decline taking upon myself the office of administrator of the government. I think it is the constitutional right of any individual to decline taking office upon himself; and as to giving place to another, that is not the act of the person declining office, but of the law.

Q. 10. Do you not think that in either of the above events taking place, you would be the administrator of the government without being appointed in any way?—A. The senior Executive Councillor would, upon taking the oaths of office, be invested with the administration of the government without any further appointment.

Q. 11. Do you think that upon your resignation, as above stated, the administration of the government could be assumed by any other member of the Council?—A. I think it could; either upon my resignation, or upon my refusal to take the oath of office.

Appendix.

Evidence before
Select Committee
of House of As-
sembly.

Committee Room, 11 April 1836.

Hon. *Augustus Baldwin*, called in; and Examined.

Question 1. ARE you one of the present Executive Council?—Answer. Yes.

Q. 2. Have you any knowledge of a paper signed by Mr. Sullivan in relation to the administration of the government in the event of the death or absence from the province of the Lieutenant-Governor; and were you present when such paper was executed?—A. I was present when a paper was signed by Mr. Sullivan for the purpose of Mr. Allan's becoming Senior Councillor in the event alluded to.

Q. 3. At whose suggestion was the paper drawn up and signed?—A. Mr. Elmsley's.

Q. 4. Into whose hands was the paper, after execution, delivered?—A. I think it was into Mr. Allan's hands.

Q. 5. Who drew it up?—A. Sir Francis Head drew it up.

Q. 6. What was the understood purpose of the paper?—A. That the administration might not devolve upon Mr. Sullivan in case of either of the above events.

Q. 7. What objection was there to Mr. Sullivan's administering the government thus referred to?—A. I know of none other than Mr. Allan had preferable claims from his age and long standing in society. Mr. Sullivan made no objections when the thing was suggested, but immediately said he would acquiesce.

Q. 8. Are the Committee to understand that the agreement or paper alluded to was drawn up at the Government House?—A. No, it was drawn up in the Executive Council-chamber. We went there to meet the Governor before sworn into office.

(M.)

To his Excellency Sir *Francis Bond Head*, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant-Governor of Upper Canada, &c. &c. &c.

May it please your Excellency,

WE, His Majesty's dutiful and loyal subjects, the Commons of Upper Canada in Provincial Parliament assembled, humbly beg leave to inform your Excellency, that this House, considering the appointment of a responsible Executive Council to advise your Excellency on the affairs of the province, to be one of the most happy and wise features in the constitution, and essential to the form of our government, and one of the strongest securities for a just and equitable administration, and eminently calculated to insure the full enjoyment of our civil and religious rights and privileges, has lately learned with no small degree of surprise and anxiety, that the Executive Council, so recently formed for the purpose above stated (as we presume), consisting of six members, did, on Saturday, the 12th instant, unanimously tender to your Excellency their resignations; and that your Excellency was pleased to accept the same; and humbly to request your Excellency to inform this House, without delay, whether such are the facts, and also to communicate to this House full information relative to the cause of disagreement between your Excellency and your said late Executive Council, as far as lies in your Excellency's power to make known; as also to furnish this House with copies of all communications between your Excellency and your said late Council, or any of them, on the subject of such disagreement, and subsequent tender of resignation.

Commons House of Assembly, }
14 March 1836. }

Address of House
of Assembly
to Lieutenant-Governor.

Appendix.

Reply of Lieut.-
Governor to House
of Assembly.

HIS EXCELLENCY'S REPLY.

GENTLEMEN,—Nothing can appear more reasonable to my mind than the surprise and anxiety which the House of Assembly express to me at the intelligence they have received of the sudden resignation of the six members of the Executive Council; for with both these feelings I was myself deeply impressed, when, firmly relying on the advice, assistance and cordial co-operation of my Council, I unexpectedly received from them the embarrassing document which, with my Reply thereto, I now, at the request of the House of Assembly, willingly present to you.

With every desire to consult my Council, I was preparing for their consideration important remedial measures, which I conceived it would be advisable to adopt, and had they but afforded me those few moments for reflection, which, from my sudden arrival among you, I fancied I might fairly have claimed as my due, the question which so unnecessarily they have agitated would have proved practically to be useless.

Had they chosen to have verbally submitted to me in Council, that the responsibility, and consequently the power and patronage, of the Lieutenant-Governor ought henceforward to be transferred from him to them; had they even in the usual form of a written petition recommended to my attention, as a new theory, that the Council, instead of the Governor, was to be responsible to the people, I should have raised no objection whatever to the proceeding, however in opinion I might have opposed it; but when they simultaneously declared, not that such *ought to be*, but that such *actually was* the law of the land, and concluded their statement, by praying that a Council, sworn in secrecy to assist me, might be permitted, in case I disapproved of their opinion, to communicate with the public, I felt it my duty calmly and with due courtesy to inform them, that they could not retain such principles together with my confidence, and to this opinion I continue stedfastly to adhere.

I feel confident that the House of Assembly will be sensible, that the power intrusted to me by our gracious Sovereign is a subject of painful anxiety; that from the patronage of this province I can derive no advantage; and that I can have no object in retaining undivided responsibility, except that which proceeds from a just desire to be constitutionally answerable to His Majesty, in case I should neglect the interests of his subjects in this province.

With these sentiments I transmit to the House of Assembly the documents they have requested, feeling confident that I can give them no surer proof of my desire to preserve *their* privileges inviolate, than by proving to them that I am equally determined to maintain the rights and prerogatives of *the Crown*, one of the most prominent of which is, that which I have just assumed, of naming those Councillors in whom I conscientiously believe I can confide.

For *their* Acts I deliberately declare myself to be responsible, but they are not responsible for mine, and cannot be, because, being sworn to silence, they are deprived by this fact, as well as by the constitution, of all power to defend themselves.

(O.)

To his Excellency Sir *Francis Bond Head*, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieut.-Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

Address of House
of Assembly to
Lieut.-Governor.

WE, His Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly beg leave to inform your Excellency, that we have with deep regret learned that your Excellency has been induced to cause the late Executive Council to tender their resignation to seats in the Council under circumstances which still enabled your Excellency to declare that your estimation of their talents and integrity, as well as your personal regard for them, remained unchanged, and that under the present excited state of public feeling in this colony, occasioned by the recent proceedings between your Excellency and the late Executive Council, and the appointment of a new Council (as appears by the Gazette Extraordinary of Monday 14th March instant) composed of Robert Baldwin Sullivan, John Elmsley, Augustus Baldwin, and William Allan, Esquires, this House feel it to be a duty they owe alike to His most gracious Majesty, and to the people of this Colony, whose representatives they are, to avail themselves of the first opportunity to declare at once to your Excellency the entire want of confidence of this House in the last-mentioned appointments, and deep regret that your Excellency consented to accept the tender of resignation of the late Council, and humbly request your Excellency to take immediate steps to remove the present Council from such their situation.

Commons House of Assembly, }
24 March 1836.

(signed) *Marshall Bidwell*,
Speaker.

(Answer to the foregoing Address.)

Gentlemen,

Appendix.

IN reply to your Address, I assure you I very sincerely regret that the House of Assembly should entertain a want of confidence in the Council I appointed on the 14th instant, as I faithfully declare that, under the circumstances in which I was placed, I made every exertion to select gentlemen that I thought would be most acceptable to the House and to the people.

Reply of Lieut.-
Governor to House
of Assembly.

I can assure the House, that no one lamented more than I did the resignation of the late Council, three of the members of which, namely, Messrs. Dunn, Baldwin and Rolph, I had myself especially selected.

With respect to the request "that I should take immediate steps to remove the present Council from such their situation," I might say that I had hoped the House would have refrained from any such decided expression of its opinion on the subject, until it had received the report of the Committee to whom the subject was referred, and for whom the government office is now occupied in furnishing the documentary evidence they desire, but I am unwilling to discuss that question.

With respect to the "present excited state of public feeling in this colony, occasioned by the recent proceedings," I feel guiltless of being its cause, inasmuch as to the House of Assembly, as well as to people of all classes who have addressed me on the subject, I have done every thing in my power to assure them of my desire that the question should be calmly settled, according to the spirit of the Constitution, and consequently according to the interests of the people.

I can assure the House that, far from entertaining any determination to maintain my opinion merely because I have uttered it, I should be at this moment happy to abandon it, if the duty I owe to my sovereign and to the people could permit me. My mind invites rather than repels conviction; and, hoping that the House will, on a subject which must surely occupy the attention of the whole country, meet me with a desire to be governed by reason and truth, I will concisely once again submit to it my view of the case.

From the time of General Simcoe to the departure of Sir John Colborne, the practice of every Lieutenant-Governor of this province has been to consider their Executive Councils as advisers, sworn not to respond, or, in other words, not to be responsible to the people.

On my arrival here, finding this had been the practice, I also pursued it; but, on preparing to add three popular members to the Council, one of them, Mr. R. Baldwin, with the sincerity which forms his character, tells me he thinks my Council, in spite of their oath, *should* respond to the people.

To this project I refused to accede, a long argument ensues, and at last I write to Mr. R. Baldwin a note, of which the following is an extract:—

"I shall rely on your giving me your unbiassed opinion on all subjects respecting which I may feel it advisable to require it."

After receiving this distinct statement of my intention *not* to alter the old practice, Mr. R. Baldwin sends a copy of the same to Dr. Rolph and to Mr. Dunn, and they, knowing my sentiments, all three join my Council.

After sitting in the Council three weeks, Mr. Baldwin's conscientious opinion again appears, convinces the other members, old as well as new, and the subject in a most formal manner is officially brought before me, with a request that, if I disapprove of the opinion, the Council may be allowed to address the people. On referring to the Constitutional Act, I am unable to comprehend their reasoning, and we consequently part on the same good terms on which we met; I retaining my unaltered opinion, while at least four of the Council have (since my arrival) changed theirs.

The whole correspondence I forward to the House of Assembly, with an earnest desire that, regardless of my opinion, the question may be fairly discussed.

In the station I hold, I form one branch out of the three of the legislature, and I claim for myself freedom of thought as firmly as I wish that the other two branches should retain the same privilege.

If I should see myself in the wrong, I will at once acknowledge my error; but, if I should feel it my duty to maintain my opinion, the House must know that there exists a constitutional tribunal competent to award its decision, and to that tribunal I am ever ready most respectfully to bow.

To appeal to the people is unconstitutional, as well as unwise—to appeal to their passions is wrong; but on the good sense of the House of Assembly I have ever shown a disposition to rely, and to their good sense I still confidently appeal.

(P.)

UPPER CANADA.

SCHEDULE of PATENTS for LAND, constituting ENDOWMENTS to the Church of *England* in this Province, that have been completed.

No.	NAME of the MINISTER.	Name of the Parsonage and Situation.	LAND FORMING THE ENDOWMENT.			Number of Acres.
			Lot.	Con.	Township.	
1.	The Hon. and Venerable John Strachan, D. D., &c. - - }	City of Toronto -	{ 6, 9 22 17 }	{ 2 3 }	York, from the Bay -	800
2.	Rev. C. Matthews -	York, E. Y. S. - -	14	2	York, E. Yonge street -	200
3.	Rev. T. Phillips, D. D.	Mimico, in Etobicoke	{ 3 & 4 W ^t p ^t 3 4 }	{ 1 Rg ^e 2 2, 3 & 4 }	Etobicoke - - -	205
4.	Rev. A. N. Bethune -	Cobourg - - -	{ Part 15 4 15 27 E. 1/2 2 }	{ B. A. 6 7 }	Hamilton - - -	{ About 400 }
5.	Rev. M. Harris -	Perth - - -	{ 17 4 }	{ 7 1 }	Bathurst - - - Drummond - - -	400
6.	Rev. R. F. Grout -	Grimsby - - -	{ 11, 12 13, 14 }	6	Grimsby - - -	400
7.	Rev. R. H. D'Olier -	Peterborough - -	{ 17 40 15, 16 4 Town lots }	{ 2 13 3 - }	Smith - - - Monaghan (Park Lots) Peterborough - - -	About 420
8.	Rev. F. Evans - -	Woodhouse - - -	{ 3 1 4 2 Part 6 10 }	{ 3 1 4 }	Woodhouse - - -	402
9.	Rev. John Anderson -	Waterloo (Bertie) -	6 & 7	5 & 6	Bertie - - -	400
10.	Rev. Wm. Betteridge	Woodstock (Blandford)	{ 2 16 }	{ 1 5 }	Oxford, West - - - " East - - -	400
11.	Rev. John Miller -	Ancaster - - -	39, 40	5	Ancaster - - -	400
12.	Rev. H. Patton -	-- Kemptville, Johnstown District.	{ 15, 16 16 }	{ 1 6 }	Oxford, J ⁿ D ^t - -	450
13.	Rev. S. Armour -	Cavan - - -	{ 17 10 }	{ 4 10 }	Cavan - - -	400
14.	Rev. G. Mortimer -	Thornhill (Home Dist ^l)	N. 1/2 27	1	Vaughan - - -	105
15.	Rev. W. Macaulay -	Picton (Prince Ed. D ^t)	N. E. p ^t blk.	D.	Sophiasburgh - -	400
16.	Rev. R. Blakey -	Prescott - - -	{ 18 & 19, and Commons between. }	4	Augusta - - -	450
17.	Rev. W. H. Gunning	Elizabeth Town -	19, 20	5	Elizabeth Town - -	400
18.	Rev. F. Mack - -	-- Wellington-square, Nelson.	{ 6 10 }	{ 2 4 }	Flambro' East - -	400
19.	Rev. J. Coghlan -	Port Hope - - -	{ Part 9 27 6 }	{ 1 4 8 }	Hope - - - - ditto - - -	36 400
20.	Rev. B. Cronyn -	London (Township) -	{ Part 15 15 16 }	{ 3 7 3 }	London - - - - ,, - - -	375 4 1/2
21.	Rev. B. Cronyn -	London (Town) -	{ - - Part of Town Plot of London, on which the Church of England now stands 12, 13 }	{ C. - }	London (Township) -	410 400
22.	Rev. V. P. Meyerhoffer	Markham - - -	{ 9 19 }	{ 5 9 }	Markham - - - Vaughan - - -	400

AFFAIRS OF UPPER CANADA.

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SCHEDULE of Patents for Land, constituting Endowments to the Church of England, &c.—continued.

No.	NAME of the MINISTER.	Name of the Parsonage and Situation.	LAND FORMING THE ENDOWMENT.			Number of Acres.
			Lot.	Con.	Township.	
23.	The Rev. G. O. Stuart, Archdeacon of Kings- ton - - - }	Kingston - - -	{ Blk. C. adjoining Kingston (Town) $\frac{3}{4}$ 12, 13 $\frac{3}{4}$ 14 43 }	{ 4 3 }	{ - - - Kingston (Township) - Ernest Town - - }	{ 18 700 }
24.						
24.	Rev. Thomas Creen -	Niagara - - -	{ 126, 127, 128, 130 }	{ - - }	Niagara (Township) -	400
25.	Rev. John Cochrane -	Belleville - - -	{ 16, 17, Part 4 }	{ 3 1 }	{ Thurlow - - - Cornwall (Township). Also a strip of land between the Town of Cornwall and the second Concession of the Township of Cornwall. }	418
26.	Rev. G. Archbold -	Cornwall - - -				410
27.	Rev. J. Radcliff -	Warwick - - -	15, 25	1	Warwick - - -	400
28.	Rev. S. Givens -	Napanee - - -	15, 16	4	Richmond - - -	400
29.	Rev. D. E. Blake -	Adelaide - - -	{ 12 25 8 & 9 }	{ 1 1 Front street }	{ Adelaide (N th Egr ^t R ^d) " (South ditto) " (Village) - }	400
30.	Rev. James Clark -	St. Catherine's -	3	5 & 6	Grantham - - -	400
31.	Rev. J. Short -	Beckwith - - -	{ 17 N. E. $\frac{1}{2}$ 21 W. $\frac{1}{2}$ 26 }	{ 1 2 }	Beckwith - - -	400
32.	Rev. R. Rolph -	Amherstburgh -	80, 81	7	Malden - - -	400
33.	Rev. Job Deacon -	Adolphustown -	{ 24, 25 6, 7, 8 6, 7, 8 }	{ 1 North of 3d street South of 4th street }	{ Adolphustown (Township) " (Town) - }	164
34.	Rev. W. Leeming -	Chippewa - - -	{ 72, 88 89, 106 }	{ - - }	Stamford - - -	400
35.	Rev. A. Palmer -	Guelph - - -	{ C. Div ⁿ A. res ^{ve} lot be- tween C. and River Speed 14, 15, Div ⁿ A. - - }			86
36.	No Minister yet ap- pointed.	Broken Thorold - - -	{ R ^s 2, 3, 4 3, 4 98, 99 100, 121 }	{ 10 11 }	Guelph (Township) -	{ Perches 54 $\frac{1}{2}$ 326 }
					Guelph (Town) -	
37.	Ditto - - -	Louth - - -	{ 11, 12 12 }	{ 4 5 }	Puslinch - - -	300
38.	Ditto - - -	Fredericksburgh -	9, 10, 11	2	Thorold - - -	400
39.	Ditto - - -	Bath (Midland Dist ^t)	{ $\frac{1}{2}$ 12, 13 $\frac{3}{4}$ 14 }	4	Louth - - -	300
40.	Ditto - - -	Williamsburgh -	18, 19	4	Fredericksburgh -	250
41.	Ditto - - -	Richmond (Bathurt D ^y)	{ 24 17 }	{ 5 9 }	Ernest Town - - -	400
42.	Ditto - - -	Clarke - - -	{ 20, 27 Part 34 }	{ 2 2 }	Williamsburgh - -	400
43.	Ditto - - -	Darlington - - -	25, 31	1	{ Goulborn - - - Fitzroy - - - }	400
44.	Ditto - - -	Town of Barrie Home District.	{ Six town lots 10 28 10 }	{ - - 8 13 14 }	{ Clarke - - - " given by S. Wil- mot, Esq. - }	15
					Darlington - - -	400
					Barrie - - -	420
					Innisfil - - -	

Secretary and Registrar's Office, Toronto, }
5 February 1836.

D. Cameron,
Secy & Reg^r.

Appendix.

Schedule of late Endowments of Parsonages and Rectories.

THE following RECTORIES have been endowed since the receipt of the foregoing STATEMENT.

No.	N A M E S.		Acres.
45.	Rev. John Gamble Geddes, Hamilton (Gore District.)	-- Lot No. 6, in 13th Concession, and lot No. 2, in 14th Concession, of East Flamborough - }	400
46.	Rev. John Grier, Ameliasburgh	-- No. 96 and 102, in the 2d Concession of Ameliasburgh - - - - - }	400
47.	Rev. J. G. Beek, Lindsay, Williamsburgh.	-- Part of the centre Commons in 1st and 2d Concession; Williamsburgh, 37 $\frac{1}{2}$ acres; the centre Commons between 18 and 19, in 1st, 3d and 4th Concession of Matilda, 163 acres; lots No. 19, in 6th Concession, Matilda - - }	400 $\frac{1}{2}$
48.	Rev. Edward J. Boswell, Carleton-place.	-- No. 26, in 2d Concession, and No. 2, in 7th Concession, of Ramsay - - - - - }	400
49.	Rev. Mark Burnham, St. Thomas.	-- Lot 9, in 1st Concession, and 17, in 4th Concession, Township of Southwold - - }	400
50.	Rev. A. H. Burwell, Bytown -	-- Lot 17 and 18, in 1st Concession on the Ottawa, in Gloucester - - - about }	400
51.	Rev. James Magrath, Toronto	-- Lot 23, in 2d Concession, and lot 29, in 4th Concession, East Hurontario-street, Chingua-cousy - - - - - }	400
52.	Rev. James Padfield, March -	-- No. 2 and 32, in 4th Concession, on the Rideau, Nepean - - - - - }	400
53.	Rev. Robert Lugger, Brantford	-- No. 3, in 2d Concession, and No. 9, in 3d Concession, of Burford - - - - - }	400
54.	Rev. Richard Flood, Delaware	-- No. 22, in 1st Range, North of the Longwood Road, and No. 16, in 1st Concession, Carradoc - - - - - }	435
55.	Rev. William Johnson, Sandwich.	-- No. 3, East of River au Puce; front half, No. 1, between River Puce and River Pêche, in Maidstone; and lot 8, broken front, Tilbury West - - - - - about }	400
56.	Parish Church in Chatham -	-- Lots 8 and 15, in 1st Concession, of Tilbury West, and lot 2, between Belle River and River Ruscum, in the Township of Rochester - about }	400

RETURN of PROPERTY surrendered by certain CLERGYMEN of the CHURCH of ENGLAND, and others; showing the value of said Property, with the Lands granted in lieu thereof, intended as Endowment.

N A M E S.			Acres.
Rev. James Coghlan -	-- Part of Lot No. 9, in the 1st Concession of Hope, 36 acres, with messuage or dwelling-house surrendered; value 1,060 <i>l.</i> 6 <i>s.</i> 3 <i>d.</i>	Received in lieu: Lot No. 27. 2 Con. Hope - 27. 8 " " - 2. 9 " Cavan - S. $\frac{1}{2}$ 9. 9 " - ditto - E. $\frac{1}{2}$ 16. 5 " Emily - N. $\frac{1}{2}$ & } 3. 6 " Seymour S. E. $\frac{1}{4}$ } and N. } part } 2. 5 " - ditto -	200 200 200 100 100 150 70 1,020
Rev. George Mortimer -	-- N. $\frac{1}{2}$ 27, West side Yonge-street, in the 1st Concession of the Township of Vaughan, 105 acres; value 750 <i>l.</i>	R. $\frac{1}{2}$ 14. 3 " Puslinch 16. 3 " - ditto - 30. 1 " - ditto - 22. 12 " Innisfil. - 27. 6 } 18. 7 } 12. 8 } 20. 8 } Essa -	336 200 800 1,336

AFFAIRS OF UPPER CANADA.

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RETURN of Property surrendered by certain Clergymen of the Church of England—*continued.*

Appendix.

[illegible]

(R.)

Sir,

Government House, 4 April 1836.

I HAVE laid your letter of the 2d instant before the Lieutenant-Governor, and have the Letter from honour to forward to you, by his Excellency's command, the document therein applied for. J. Joseph, Esq. to

I think it right to add, for the information of the Committee, that a rejoinder to the Lieutenant-Governor's answer to the Address of the Citizens of Toronto was left at the Government-House in a sealed cover, and returned unread to Mr. George Ridout, who had brought up and read to his Excellency the Address; that gentleman, however, disclaimed all participation in the Rejoinder, and forwarded it to Mr. Jesse Ketchum, one of the subscribers.

Peter Perry, Esq., M. P.,
Chairman, &c.

I have the honour to be, &c.

(signed) *J. Joseph.*

(S.)

REJOINDER to the foregoing REPLY, which has this day been laid before His Excellency.

May it please your Excellency,

WE thank your Excellency for replying to our Address, "principally from the industrious classes of the city," with as much attention as if it had proceeded from either of the branches of the legislature; and we are deeply sensible, in receiving your Excellency's reply, of your Excellency's condescension in endeavouring to express yourself in plainer and more homely language, presumed by your Excellency to be thereby brought down to the lower level of our plainer and more homely understandings. But we beg leave, in justification of those classes, to assure your Excellency, that any comparison which may have passed in your Excellency's mind between them and the more unfortunate and less favoured in the parishes of the parent State, is by no means founded in truth. The industrious classes of this city have for many years been seriously impressed with the duty and importance of acquiring knowledge, for the general diffusion of which they have, by their own efforts and at their own expense (with the aid of generous and patriotic friends), so far successfully laboured as to be able to appreciate good writing and fair reasoning. We desire respectfully to inform your Excellency, in the plain and homely language of industrious men, that any supposed necessity for this great condescension of your Excellency, could not have existed, in any degree, had not past administrations sadly neglected our claims to the blessings of general education. Lest your Excellency should doubt our sufficient appre-

Rejoinder from Citizens of Toronto to Reply of Lieute- nant-Governor.

Appendix.

Rejoinder from
Citizens of Toronto
to Reply of Lieuten-
ant-Governor.

hension of the matter (though we have practically felt and suffered from the evil), we humbly refer your Excellency to the language of our honest and honoured representatives at the opening of the present Session of our Parliament:—"We have also been anxious in past years to make the means of education general and easily available, but it has only lately become known to the legislature that a bountiful provision in lands was made by the Crown about 40 years ago, though since deteriorated by a recent secret unfavourable exchange for inferior lands. The University of King's College was grounded on Royal Charter, sought for and granted in 1826, upon principles so exclusive and sectarian, as to render it deservedly unacceptable to the great body of the people for whose benefit it was professedly intended; and although the most reasonable modifications were suggested by a series of Resolutions in 1829, yet it is now, for the first time, that your Excellency has been enabled to announce from His Majesty's Government any specific proposition respecting it. Nor ought we to fail to notice, that large appropriations have been made out of the University fund, not to the district and township schools, undeservedly neglected, but to sustain Upper Canada College in this city, in which the sons of all the wealthiest families are educated, and which ought, therefore, to be supported without so questionable an encroachment on public funds."

To this statement we can add the untiring efforts of our representatives for the sale of the clergy reserves, and the appropriation of their proceeds to the purposes of general education, have hitherto proved unavailing; and although a philosophical apparatus, purchased out of the taxes gathered from the people in the year 1800, has ever since been unused, mouldering and decaying in a garret in the hospital, yet, when the industrious classes, after cleaning and repairing it, humbly solicited his late Excellency, Sir John Colborne, for the use of it in their institute, it was peremptorily refused.

We therefore humbly pray your Excellency, under these mortifying and humiliating circumstances, to accept the above painful facts and extracts from the records of our Parliament, as an apology for any alleged necessity for your Excellency's gracious condescension in using plainer and more homely language for the level of our understandings.

But it is because we have been thus maltreated, neglected and despised in our education and interests, under the system of government which has heretofore prevailed, that we are now driven to insist upon a change, which cannot be for the worse. In the further language of our Commons House of Assembly, we can aver that "*the uniform experience of nearly half a century, has forced the conviction, confirmed by the history of nations, that no richness of soil, or salubrity of climate, no wealth in public lands, or industry and economy among a deserving people, can insure their peace, welfare and prosperity, without the possession of those suitable institutions which will yield cheap, honest and responsible government.*"

Now, your Excellency is pleased to answer us, on this occasion, by declaring, that the system of government which has prevailed from the time of Simcoe, is the best for us, although it has, by its vices, reduced us to so deplorable a condition of grievances, that even your Excellency recognizes it, this day, in the following just and sententious language to us: "*The grievances of this province must be corrected—impartial justice must be administered—the people have asked for it; their Sovereign has ordained it; I am here to execute His gracious commands: delay will only increase impatience.*" Thus is the exigency of our affairs frankly admitted by your Excellency in both the civil and judicial departments; and surely it is the province of wisdom not merely to relieve the present exigency, but to remove the causes which have produced it in the past, and will, if suffered to continue, reproduce it in the future; for the like causes will ever produce the like effects. However much, therefore, we might commend the intention of your Excellency to see that "*the grievances of this province are redressed, and impartial justice administered,*" we are determined, by means of institutions better organized and directed, to prevent the recurrence of such wrongs; because it is wiser to prevent evil than to hazard the correction of it after it has arisen, or has, perhaps, become inveterate.

Your Excellency is pleased to say, "I am here to execute," &c.; but your Excellency's predecessors throughout the history of this country have made similar professions, yielding, however, nothing but bitter disappointment. The issue of the Administration of a Gore, a Maitland and a Colborne, has been equally disastrous; each in its commencement holding forth expectations as flattering as those from your Excellency, but each finally aggravating our need for "*grievances to be redressed, and impartial justice to be administered.*" But the very fact that your Excellency has begun like your predecessors is a reason for apprehending the same result; for it would be offensive to your Excellency to assume that they were less wise, impartial and honourable than any who may ever succeed them. The hopes of amelioration from each successive Governor have been uniformly delusive; and candour obliges us to assure your Excellency, that, even in this early period of your government, our condition has become more deplorable than ever, and the very nature and stability of our institutions involved in alarming uncertainty.

While our condition has been thus growing worse, under a succession of new Governors from England, they have been responsible to the Minister in Downing-street. With our plain and homely understandings, we cannot comprehend how a responsibility to Downing-street, having failed of any good with all your predecessors, should be all availing in your present government; for it is the same responsibility in nature and degree; it is regulated by the same instructions; it is rendered to the same distant Government, 4,000 miles off, and guarded by such a system of secret Despatches, like a system of espionage, as to keep in

in utter darkness the very guilt, the disclosure of which could alone consummate real and practical responsibility.

Dalhousie and Aylmer in Lower Canada, and Gore, Maitland and Colborne in Upper Canada, have severally misgoverned their respective provinces. The two former have been impeached by the people, through their representatives, and their very crimes, instead of meeting punishment, have raised them to higher honours. And although the three latter have severally retired from our country after misconducting our affairs, under a nominal responsibility to Downing-street, till they had engendered an imperious necessity "for the correction of our grievances, and the impartial administration of justice," yet in every case they have been promoted higher, in direct proportion to the complaints of the people, without any redress for their wrongs, or even censure of their oppressions. We do not mean, in our plain and homely statement, to be discourteous, by declaring our unalterable conviction, that a nominal responsibility to Downing-street, which has failed of any good with the above gentlemen of high pretensions to honour, character and station, cannot have any magic operation in your Excellency's administration, which, should it end, as it has unhappily begun, might make us drink the cup of national misgovernment to the very dregs, without (as experience proves) redress on our part, or retribution on yours. "Facts are stubborn things." It is a mockery to invite us to rest our future hopes on an ineffectual, merely nominal, responsibility, that has proved a broken reed, which, it would be folly ever again to rest upon. Your Excellency has been pleased solemnly and publicly to declare, that, being determined to hold an irresponsible, or, more strictly speaking, an acceptable Executive Council, you hold yourself responsible for their acts as well as your own; and, considering the sort of Council you have about you, we cannot foresee the magnitude to which your Excellency's responsibility may extend. On your Excellency's account, therefore, as well as our own, we do humbly and heartily desire to see you surrounded by confidential servants, not likely to involve your Excellency or dissatisfy the country. We do not, however, understand how the Council can be called "*non-responsible*," when your Excellency voluntarily places yourself as a substitute, answerable for their misdeeds to the Minister at Downing-street. But who can avail himself of this responsibility, in order to seek any redress? Can it be reasonably required, that one of a community, "*whose whole revenue does not equal the private fortune of many an English commoner*," shall carry his complaint 4,000 miles off, transmit the evidence, rebut any unjust offence, fee lawyers and agents, in a long, tedious, protracted litigation, in Downing-street, worse than a suit in Chancery, where, before the matter can be investigated, one Minister succeeds another so rapidly as to defy continuous inquiry?

This responsibility to Downing-street has never yet saved a single martyr to executive displeasure. Robert Gourlay still lives in the public sympathy, ruined in his fortune, and overwhelmed in his mind, by official injustice and persecution; and the late Captain Matthews, a faithful servant of the public, broken down in spirit, narrowly escaped being another victim. The learned Mr. Justice Willis struggled in vain to vindicate himself and the wounded justice of the country; and the ashes of Francis Collins and Robert Randall lie entombed in a country in whose service they suffered heart-rending persecution and accelerated death. And even your Excellency has disclosed a secret Despatch to the Minister in Downing-street, (the very alleged tribunal for justice,) containing most libellous matter against William Lyon Mackenzie, Esquire, M. P., a gentleman known chiefly for his untiring services to his adopted and grateful country. We will not wait for the immolation of any others of our public men, sacrificed to a nominal responsibility, which we blush to have so long endured for the ruin of so many of His Majesty's dutiful and loyal subjects.

It is easy to say, when wrong is done by the Executive Council of the Province to any individual or individuals, the Governor is responsible for them to the Minister at *Downing-street*; but for all practical ends, it might as well be said at our *antipodes*. Your Excellency asks us, with reference to your late Council, "Is it usual for one person to insist on bearing another person's blame?" It seems, may it please your Excellency, to have been usual to do so; for you insist upon being answerable for the acts of your Council against their will. But, inasmuch as it appears to your Excellency, as well as to our plain and simple minds, unreasonable for "one man to insist on bearing another person's blame," we the more earnestly insist that the Executive Council should bear their own blame, and not saddle it upon your Excellency, however graciously disposed your Excellency may be to assume it. Your Excellency is pleased to say, that "the political party which demands responsibility for my Council know perfectly well that the power and patronage of the Crown are attached to it; and it is too evident that if they could but obtain this marrow, the empty bone of contention, namely, responsibility to the people, they would soon be too happy to throw away." Respecting these strictures of your Excellency, on the purity of their motives (which we deem most patriotic and honourable) we forbear to offer any remark. "*Charity thinketh no evil*." But, confining our views to what can be gathered from the representations of your late Council, we had rather that the power and patronage of the Crown were exercised by your Excellency, after receiving the conscientious advice of your sworn advisers, known and acceptable to the people, than by your Excellency's unadvised and arbitrary pleasure; and we think the case rendered even worse by the interference of a Minister 4,000 miles off, too distant from the scene of government, and too unacquainted with our complicated localities, to form a judgment upon which he ought to decree, or with which the people interested ought to be satisfied. What your Excellency is pleased to call "*the marrow of the bone*," is constitutionally intended to nourish, enrich and benefit the "*industrious classes*," and the whole community; and your Excellency's candour will, no doubt, pardon our reluctance wholly to confide (without the advice of your

Appendix.

Rejoinder from
Citizens of Toronto
to Reply of Lieut.-
Governor.

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Council) to your Excellency, as "a stranger lately arrived among us, ignorant even of the political differences of the parent State, and avowedly unacquainted with the wants and condition of this province."

We beg leave to assure your Excellency, that the "*bone*" to which your Excellency alludes, has been in the keeping of successive Governors responsible to the Minister in Downing-street, and at one time it abounded with "*marrow*," and was even the nucleus for much solid and valuable nutriment, all intended to form a source of national wealth, to be improved, husbanded and applied for our peace, welfare and good government. It is with profound, and, we greatly fear, with unavailing regret, we inform your Excellency, that, while subject to the above custody and responsibility, the "*bone*" had been picked so bare, as to leave little besides the "*marrow*" behind.

Under these circumstances, we hope your Excellency will commend the "*industrious classes*" and others for so far learning wisdom from woeful experience, as no longer to confide their best present and future interests, their civil and religious liberties, and all that endears a man to his country or to the world, to a succession of Governors, nominally responsible at Downing-street, to a succession of ever changing Ministers: it is unreasonable to expect it; we should betray our country to consent to it.

We cannot altogether agree with your Excellency, that "the only consolation which should support an honest man in an arduous duty is the reflection that he is ready to atone for every error he commits, and that he is subject to arraignment if he offends." The highwayman and the pirate might and often have pleaded the same, have ever been ready to make atonement by restitution, and, after "arraignment," expiated their crimes according to law. But a Statesman, a Governor or a King is presumed to be influenced by higher motives and by more exalted principles. The discharge of even an arduous duty cannot and ought not to be satisfactory to us, if performed in an unconstitutional way. In some countries, the end gained, however valuable, might be so tainted by the means as to make it treason. We desire not only to be governed well, but to be governed constitutionally; at the very least, according to the present charter of our liberties. The fear of personal liability to "atonement" or "arraignment" is a very subordinate protection against the abuse of power; when the complaint is made against a person, entrenched in authority and armed with patronage, whose very breath confers influence and office, or takes them away, whose liability is to the very Minister who is his patron, and is naturally disposed to view even his aberrations with a favourable and excusing eye. On that account, among others, we desire in our government some higher security than a disposition to atone, or a liability to arraignment, in its nature and circumstances almost impracticable, and almost always unsuccessful.

It is on this account, may it please your Excellency, we desire to see every Governor surrounded by confidential advisers, who, from their local knowledge, can supply with sworn advice, as the surest means of preventing error, or the humiliating necessity of "atonement" or "arraignment" for it. According to Holy Writ, "in a multitude of counsellors there is safety;" it is, therefore, natural for us rather to wish to see the management of our affairs by your Excellency with the aid of an acceptable Council, than by your Excellency alone. Your Excellency must take advice upon assuming a new government in a country in which you are a stranger; and it has been to us a source of painful mortification and disappointment to find that your Excellency was consulting irresponsible individuals, neither possessing nor entitled to political confidence, even to the humiliating exclusion of your sworn advisers, provided by law and selected by yourself. Hence it is that there has scarcely been a single act of your administration satisfactory to the community your Excellency perhaps intended to serve.

It is against ourselves and our friends engaged in the common cause of constitutional government that your Excellency seems to direct the charge of preventing your "rooting up the tree of abuse, because they have *built and feathered their nests* in its branches." In this "tree" many indeed have "built and feathered their nests;" but, heretofore, reformers have never been allowed even to perch upon its branches, repose in its shade, or partake of its fruit. The ultra Tories, who have unhappily held your Excellency's ear and confidence, have enjoyed a complete monopoly; and it is an historical fact, that our Governors, among the rest, have "built and feathered their nests," and then carried their accumulated wealth, with themselves, out of the country. We trust your Excellency will feel on this subject how unjust it is that a community (as your Excellency observes) whose public revenues do not exceed the income of many a commoner in England, should be called upon to pay for the administration of even an irresponsible government a sum almost equal to that received by the President of the United States, with a transcendent wealth and power that put our comparative condition to shame.

We are surprised at the information your Excellency gives us, that the Executive Council of the province is "*sworn to be dumb*;" for we always thought they were sworn to advise the King and his representative upon our affairs; supposing your Excellency were so far to unseal their mouths as freely to receive their advice, we see no difficulty in its being given secretly, yet responsibly. In England ministers give their advice under an oath of secrecy, and are still responsible. There can be, therefore, no greater inconsistency in such a relation subsisting between your Excellency and your Council. Actions often indicate more strikingly than words; and although your Councillors cannot reveal what they *say*, the whole country can see what is *done*.

We care not how dumb they are *out* of the Council, if their mouths are not sealed *in* it; and the province is allowed to feel and enjoy the manifest fruits of their counsel, without knowledge

knowledge what it was. The Council should be responsible for giving good advice, while your Excellency would retain enough of responsibility by deciding upon it. We should not the better esteem a Judge who refused to listen to an argument before he gave a judgment, or a jury who sealed their ears against the charge of a Judge, in order to manifest their self-sufficiency in giving a verdict. The Judge condescends to hear the argument of a counsel, the jury listens to the Judge's charge, and your Excellency should, as seems to our "plain and homely" minds, listen on all subjects to the conscientious advice of the sworn advisers, selected by yourself for their "talents and integrity."

We have carefully read, as your Excellency recommended, the Constitutional Act, and although your Excellency assures us that by it "a House of Assembly and Legislative Council and Lieutenant-Governor are appointed, but that it creates no Executive Council," yet we read so clearly, in three several places, almost the very same comprehensive words, viz. "with the consent of such Executive Council as shall be appointed by His Majesty, His heirs and successors, within such province, for the affairs thereof," that we must believe some evil and irresponsible advisers have put into your Excellency's hand a mutilated copy of our constitution. We cannot reconcile your present declaration with the reply to your late Executive Council, in which your Excellency distinctly admits that the most liberal construction which can possibly be put upon that Act amounts to this, "that, as an Executive Council was evidently intended to exist, the remnant of the old ought not to be deemed totally extinct, until its successor was appointed. However, this latest intention of His Majesty to create a Council for each of the *provinces* of his Canadian dominions was soon clearly divulged in a most important document, commonly called "*The King's Instructions*," in which the Executive Council was regularly constituted and declared as follows: "Whereas, We have thought fit that there should be an Executive Council for assisting you, or the Lieutenant-Governor, or person administering the government of the said province of Upper Canada," * * * * * "and to the end that our said Executive Council may be assisting to you in all *affairs relating to our service*, you are to communicate to them such and so many of our instructions, *wherein their advice is mentioned to be requisite*, and likewise all such others from time to time as you shall find convenient for our service to be imparted to them."

It is therefore as plain as law can be written, that the Constitutional Act provided for the appointment, by His Majesty, of an Executive Council, and that the King has accordingly created such a Council; "to the end that they might be assisting to your Excellency in all affairs relating to His Majesty's service." This Council, so organized, is now as much a part of our constitution as the great Council of Parliament. The law allows the people to elect the House of Assembly, and gives the King the power of summoning whom he pleases to the Legislative and Executive Councils: all are alike created or provided for by this Act, though it does not specify by name the particular individuals to constitute either of them.

We welcome the concession of your Excellency to the merit of the able and enlightened *Simcoe*, to whose memory we would cheerfully erect a monument. We never said that that justly revered representative of the King either did or could alter the law. But we still think that an able and enlightened man, who assisted in passing the law, amidst all the debates upon it, and who was first commissioned to put it into operation amongst us, was of all men best qualified to explain that law, and its intended scope and application. *Simcoe*, with all his personal knowledge about the law and lawgivers, declared that it was intended to give us, not a mutilated constitution, but one "the very image and transcript of that of Great Britain." Your Excellency, on the contrary, after the lapse of nearly half a century, asserts, that neither the law nor the lawgivers (of whom *Simcoe* was one) ever gave, or intended to give, what *Simcoe*, in the name of the King, solemnly announced from the throne.

In England, our fellow subjects have a King with his Executive Council (commonly called his Privy Council), a House of Lords and a House of Commons. In this country we have corresponding institutions, viz., a representative of the King with an Executive Council, a Legislative Council and a House of Assembly. We only ask that these institutions should be put into operation in a manner corresponding to what is practised in England; and, consequently, that the Executive Council, under oath, should as fully and freely advise your Excellency on affairs here, as the Privy Council, under oath, advise His most gracious Majesty. This is what the Constitutional Act implies; it is what *Simcoe* announced; it is what our liberties require; and what nothing, without our own consent, can lawfully abridge or take away.

If your Excellency will not govern us upon these principles, you will exercise arbitrary sway, you will violate our charter, virtually abrogate our law, and justly forfeit our submission to your authority.

We have the honour to be, Sir,

Your Excellency's obedient humble servants,

(signed)

Jesse Ketchum.

James H. Price.

James Lesslie.

Andrew MacGlashen.

James Shannon.

Robert MacKay.

M. MacLellan.

Timothy Parsons.

Wm. Lesslie.

John Mills.

E. T. Henderson.

John Doel.

John E. Tims.

Wm. J. O'Grady.

Appendix.

Rejoinder from
Citizens of Toronto
to Reply of Lieut.-
Governor.

(T.)

Appendix.

Letter from
R. Baldwin, Esq. to
Peter Perry, Esq.

Sir,

Front Street, 12 April 1836.

IN answer to your letter of this day, in which, after referring to a paragraph in the Lieutenant-Governor's Reply to the Address from the citizens of Toronto, you add, "as you and your late colleagues are charged with having first entered into an arrangement clearly forewarning you of the extent to which you would be counselled, and then altogether in a body disputing it, I write this communication, that you may give any justification of your conduct you may desire." I beg to state, that the expressions to which you allude, seem to be understood by the Committee in a sense much more extensive than could have been intended by the Lieutenant-Governor, for though, as stated in my letter to you of the 16th ultimo, his Excellency frankly avowed his dissent from my views of the constitution, so far from his giving me the least reason to suppose that I was never to offer my advice, except when called upon for it, or that my view of the practical administration of the Government under the constitution was not again to be recurred to, he himself "suggested, as an inducement to me to accept of a seat in the Council, the increased facilities which, by my place in the Executive Council, *would be afforded towards the more efficiently representing and urging* my views, his Excellency declaring that his doors should at all times be open to me, and that he should be happy to listen and give his most serious consideration to any subject which I might at any time think it important to lay before him." And indeed the whole tenor of my official intercourse with his Excellency was inconsistent with the presumption that my advice was never to be given except it was asked.

Another circumstance, which would seem to show that a sense has been put upon the Lieutenant-Governor's words which they could scarcely have been intended by him to bear, is, that his Excellency alleges "that we parted on a point of dry law," he could not therefore intend to impute to us the breach of any agreement, either express or implied.

Again, his Excellency more than once declared that he should not have been at all surprised had the representation proceeded from me. Whereas, had it been any breach of a supposed previous understanding, I was as much a party to that understanding as either of my colleagues, Mr. Dunn or Dr. Rolph, and of course equally involved in the consequences.

But, not to multiply reasons, I need only add, as finally conclusive upon this subject, that his Excellency's words, understood in the sense alluded to, would be wholly inconsistent with the fact. It was never understood previous to our being sworn in, nor did any thing whatever transpire previous to that period which could have given his Excellency any ground for supposing it to be understood by us either that we were not to offer our advice whenever we thought it proper to do so, or that the subject of the adoption of my views of the constitution was to be dropped.

In fine, I can safely assert, that, had his Excellency given me the slightest hint that he expected that I was never to offer my opinion except when required to do so, I should have unhesitatingly rejected the proposal to join the Executive Council on such terms; but the whole tenor of the conversations which I had the honour of holding with his Excellency previous to my being sworn in, to say nothing of the express assurances above alluded to, excluded such a supposition from once suggesting itself to my mind. I therefore feel bound to state, that any other construction put upon the terms on which I accepted office, than such as is to be gathered from the statement contained in those paragraphs of my former letter above quoted, is wholly erroneous.

I have the honour to be, Sir,

Your obedient humble servant,

Robt. Baldwin.

To P. Perry, Esq.

Chairman of the Committee, &c. &c.

Committee Room, 13 April 1836.

Robert Baldwin, Esq. called in; and Examined.

Evidence of
R. Baldwin, Esq.

Question 1. On what day were the Hon. John Henry Dunn, Dr. Rolph and yourself, sworn into office as Executive Councillors?—Answer. On Saturday, the 20th of February last.

Q. 2. Was the Lieutenant-Governor's note to you, a copy of which you appended to your letter to Mr. Perry of the 16th of March last, received by you previous to your being sworn in?—A. It was not.

Q. 3. When was it received?—A. At ten o'clock in the evening of the day on which we were sworn in. But I was given to understand that an accidental circumstance had occasioned its not having been delivered at an earlier period on the same day.

Q. 4. Is it such a note as you had reason to expect from the conference mentioned by you in your letter to Mr. Perry, in which it was settled to be written?—A. I conceive not; I cannot pretend to recollect the exact terms of the draft written by his Excellency on that occasion, and then read to us; but I do not hesitate to say, that it materially differed from the note I afterwards received. Dr. Rolph happened to be with me at the time I received the note, and I at once expressed my entire dissatisfaction with its contents, and proposed taking it back to the Lieutenant-Governor, and refusing to receive it. I was, however, persuaded by Dr. Rolph and Mr. Dunn, whom I called to see upon the subject on the Monday after, that, as it could not be that his Excellency intended any thing disingenuous by

by us, and as the public would, no doubt, put a liberal construction upon the letter, it was better, more particularly as we had been actually sworn in, to let it pass without further difficulty. I must, however, add, that when the draft was read over to us by his Excellency, as he did not seem quite satisfied with the wording, it was understood that he was at liberty to alter its phraseology, retaining of course its spirit and substance; and I certainly attributed the difference between the draft read to us and the note which I afterwards received, entirely to his Excellency's being unable, from his want of practical acquaintance with political life, fully to comprehend the difficulties which I felt in yielding to his request to join his council, and not to the slightest desire on his part to deviate from the spirit of the understanding. Such was certainly my impression at the time; but had I supposed it possible that such application of the unexpected terms in which his Excellency's note was couched, as is now attributed to his Excellency, could have been intended, I should certainly have returned the note, and insisted on such a one as I had reason to expect; or, if this had been refused, have resigned on that ground alone.

Q. 5. In what respect do you conceive the draft read to you and the note afterwards sent to differ?—A. The draft was more explicit as to the unfettered terms upon which I took office; and although I could not say it contained no declaration of the confidence his Excellency would place in our advice when "required," it was by no means the prominent feature in the draft; and, I can safely say, could only have been understood both by myself and my colleagues merely as a general expression of confidence, and not as a limitation of the duties expected of us; and I feel convinced that his Excellency could have used it for no other purpose, because he had no reason to suppose that we could have understood it in any other, and to imagine the contrary would be to attribute to his Excellency that he made use of terms to us to which he applied one sense at a time when he knew us to receive them in another, without explaining the sense in which he intended them to be understood.

Q. 6. It appears from his Excellency's answer to the Address of the House of Assembly of the 26th of March, that the note which he wrote to you, of which the following is an extract, "I shall rely on your giving me your unbiassed opinion on all subjects respecting which I may feel it advisable to require it," was written during the negotiation between his Excellency and the Council previously to their taking office, and, in fact, was part of the negotiation, and implies that it contained the conditions of their taking office, and that they took office after the communication of that note. Is that the case, and is that the true inference according to your understanding?—A. For the facts I refer to my previous answers and my letter to Mr. Perry of the 16th ult.; and as to the inference, it is of course a matter of opinion; but I cannot for my own part suggest any construction of the passage referred to consistent with those facts.

Q. 7. Were any steps taken having a tendency to guard against the divulgement of the proceedings in Council upon this matter?—A. The oath of office was administered to the under clerks in the Council-office, it having been ascertained on inquiry that they had not previously been sworn to secrecy.

Q. 8. It has been alleged that his Excellency, in his reply to the city corporation, intended to be understood as referring to the late Council, when he represented that the new theory respecting the powers of the Executive Council "had been secretly promulgated." Is such a charge warranted by the fact?—A. As far as regards myself, I distinctly assert that it is not the fact, and I have no doubt that it is not the fact as respects any of my former colleagues.

Dr. Rolph, called in; and Examined.

Question 1. ON what day were the late Executive Council, of which you were a member, sworn in?—Answer. On the 20th of February last.

Q. Have you any knowledge of a letter addressed by his Excellency to Mr. Robert Baldwin, relative to the terms on which you and your colleagues took office? if so, state what you know?—A. I was present with Mr. Robert Baldwin and the honourable Mr. Dunn on the 19th of February last, at the Government-House, when Mr. Robert Baldwin informed his Excellency that we were desirous, before joining the Executive Council, to receive a written assurance from his Excellency of the unfettered terms upon which we entered into office, lest it should be supposed by the public that in doing so we had compromised the principles which we have heretofore avowed and acted on. To this suggestion his Excellency acceded, and drafted a note to that effect, adding, that, as the phraseology might be improved, he would without delay prepare and transmit it to Mr. Baldwin, who would send copies to me and Mr. Dunn. We were sworn into office in the afternoon of the following day, and I heard nothing more of this letter (except the uneasiness of Mr. Baldwin at not having received it) until 10 o'clock at night, when I was in company with Mr. Baldwin, and the letter was received. Upon reading it, Mr. Baldwin immediately noticed, as I did myself, the unexpected change, not only in the language, but in the substance of the letter, and Mr. Baldwin would have returned it, had I not expressed my reluctance to question the ingenuousness of the Lieutenant-Governor, and enter upon a discussion which might seriously interfere with the harmony of the Council. Had I supposed that the word "require" could have been intended to abridge the great and unlimited latitude before given by his Excellency, I should certainly not have consented to be sworn into office, had the letter been received on the 19th, and I should have resigned, on receiving a copy of it, on the 22d, from Mr. Baldwin. The sole object of the letter, and all it was intended to embrace, was the admission that we joined the Council without changing our principles.

Appendix.
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Evidence of
Dr. Rolph.

Q. 3. It appears from his Excellency's answer to the Address of the House of Assembly of March 26th, that the note which he wrote to Mr. Baldwin, of which the following is an extract—"I shall rely on your giving me your unbiassed opinion on all subjects respecting which I may feel it advisable to require it,"—was written during the negotiation between his Excellency and the Council previously to their taking office, and in fact was part of the negotiation, and implies that it contained the conditions of their taking office, and that they took office after the communication of that note; is that the case, and is that the true inference according to your understanding?—A. I confess I understand the passage given me to read to mean that the letter sent to Mr. Baldwin was the conclusion of the negotiation on the part of his Excellency, and intended to convey to Mr. Baldwin, for the information of himself and his colleagues, the terms upon which his Excellency would accept our services, and that after the receipt of that letter we went into office on those terms and then disputed them. But such certainly was not the case: the letter in question was wholly independent of the negotiation, and not even mentioned till it was so far concluded that we waited on his Excellency on the 19th merely to receive a more formal and united invitation to his Council. We did then receive such an invitation, and the object of the letter was then suggested by Mr. Baldwin, and promised by his Excellency, for the simple purpose of enabling Mr. Baldwin and his colleagues to repel any presumption of abandoning their principles on taking office.

Q. 4. Were any steps taken having a tendency to guard against the divulgement of the proceedings in Council upon this matter?—A. The junior clerks were sworn to secrecy, as it had not before been done.

Q. 5. It has been alleged that his Excellency, in his reply to the City Corporation, intended to be understood as referring to the late Council, when he represented that the new theory respecting the powers of the Executive Council "had been secretly promulgated;" is such a charge warranted by the fact?—A. It is wholly unfounded as regards myself, and every thing which passed between me and other members of Council satisfies me that it is as equally unfounded as respects them.

(U.)

To his Excellency Sir *F. B. Head*, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant-Governor of the Province of Upper Canada, &c. &c. &c.

May it please Your Excellency,

Address from
Grand Jury to
Lieut.-Governor.

WE, the undersigned grand jurors, representing the Home District at the Spring Assize, now holding, respectfully beg to assure your Excellency that the liberal policy designed to be pursued, and the paternal solicitude manifested by His Majesty's Government towards this province, as communicated to the Legislature soon after your arrival here, have been hailed by us as the harbingers of our prosperity and happiness.

We greatly regret that a system of political excitement hath of late years been organized in this province, engendering bitter animosities in the breasts of those whose welfare and happiness imperiously require that they should dwell together in amity; and producing party feuds too frequently ending in breaches of the peace. We are well aware that the prevalence of this system has already produced results unfavourable to the development of our internal resources and to the introduction among us of the redundant wealth and population of Great Britain; but the recent expressions of confidence in your Excellency's administration which we have heard, and in which we cordially concur, lead us to hope that the people will not long remain blinded to their own interests, but will be convinced that the most effectual mode of serving themselves consists in upholding the constitution, and directing their attention to the improvement of the land we live in, rather than to the consideration of abstract questions of government, and of theoretical changes in our constitution; changes in which very many well-educated members of the community discover no elements of good, but discern, on the contrary, the seeds of discord and confusion, producing in due season the dismemberment of this colony from the parent State, and the establishment therein of democratic institutions, uncongenial to the habits and sentiments of its British population.

We would have felt a difficulty, particularly as our especial duty is of a judicial character only, in thus expressing our opinions to your Excellency, were we not confident that they are participated in by a numerous body of the freeholders in the district we represent.

J. S. Macaulay (Foreman).
Æ. Moodie.
William Crookshank.
Andrew Mercer.
G. W. Thomson.
Francis Boyd.
John Ellah.
Silas Burnham.

Thomas D. Harris.
Alexander Burnside.
Thomas Cooper.
William Campbell.
W. Laughton.
George Gurnett.
George B. Willard.
E. O. Gapper.

(A true copy)

J. Joseph.

AFFAIRS OF UPPER CANADA.

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HIS EXCELLENCY'S REPLY.

Appendix.

Gentlemen,

If the important object I have in view were to obtain applause, nothing could be more gratifying to my feelings than the approbation of so well-educated a body of gentlemen as the grand jury of the Home District; but, without offence, I must declare that the strict performance of my duty requires that I should neither be stimulated by popularity nor deterred by clamour. In maintaining the liberties of the inhabitants of this province, but little has been left by our Sovereign either to my judgment or discretion, and if it be true "that the recent expressions of confidence in my administration which you have heard, and in which you cordially concur, lead you to hope that the people will not long remain blinded to their own interest," this happy effect has proceeded from no exertions of mine, but simply from my having repelled our enemies by pointing to the Constitutional Act of this province.

If that noble charter had not existed, there can be no doubt but that the representative of His Majesty would have been overcome, and that the inhabitants of Upper Canada would now be under the ignominious tyranny of a secret metropolitan "Cabinet;" but your Constitution has proved to be impregnable, and at this moment no people bewail the fact more keenly than those who have lately been nearly crushed in their endeavours to undermine it.

(A true copy)

J. Joseph.

Reply of Lieut.-
Governor to
Grand Jury.

— No. 2. —

(No. 57.)

COPY of a DESPATCH from Lieutenant-Governor Sir *F. B. Head* to
Lord *Glenelg*, dated Toronto, 16 July 1836.

My Lord,

IN my last Despatch, No. 56, dated 8th instant, I had the honour to inform your Lordship that our elections had added forty constitutional votes to the House of Assembly, which is composed, as your Lordship is aware, of sixty-two members.

No. 2.

The republican minority of course feel that their cause is desperate, and, as a last dying struggle, they have I understand been assembling at Toronto, night after night, for the purpose of appealing for assistance to His Majesty's Government.

Their conventions are so secret that it is impossible for me to know what passes there, but I have been informed that they have actually despatched Dr. Duncombe (an American and a rank republican) with complaints of some sort respecting the elections.

I also beg to state to your Lordship that I expect that Dr. Baldwin, Mr. George Ridout and Mr. Small, whom I have felt it necessary to dismiss from the situations they respectively held, in consequence of the disrespectful language they have publicly used against me, will also seek to be supported by His Majesty's Government.

I feel confident that your Lordship will discountenance this dark unconstitutional practice of despatching agents from this province to His Majesty's Government to make secret complaints against the Lieutenant-Governor, which of course it is impossible for him to repel.

I will therefore merely assure your Lordship, that, in the elections, as well as in the dismissal of a few of the ringleaders of the republicans, I have acted cautiously and conscientiously.

I have, &c.
(signed) *F. B. Head.*

UPPER CANADA.

COPY of the DESPATCHES from Sir *F. B. Head*
to Lord *Glenelg*, dated 21 April 1836 and
16 July 1836.

(*Mr. Hume.*)

Ordered, by The House of Commons, to be Printed,
23 January 1838.

[*Price 1 s.*]

UPPER CANADA.

RETURN to an Address of the Honourable The House of Commons,
dated 17 January 1838;—for,

COPIES of any RESOLUTIONS, received by the COLONIAL OFFICE, passed at Meetings held in *Upper Canada*, since March 1837, relative to the Grievances and Complaints of the People of that Province, and of *Lower Canada*; and, COPIES of any DESPATCHES from Sir *F. B. Head* relative to such Resolutions, and of the Measures adopted by him respecting them.

—NIL.—

Colonial Office, Downing-street, }
22 January 1838. }

G. GREY.

UPPER CANADA.

COPY of RESOLUTIONS, received by the COLONIAL
OFFICE, passed at Meetings held in *Upper*
Canada, since March 1837.

(*Mr. Hume.*)

Ordered, by The House of Commons, to be Printed,
23 January 1838.

C A N A D A.

RETURN to an ADDRESS of the Honourable The House of Commons,
dated 14 June 1838 ;—for,

COPY of an EXPLANATORY MEMORANDUM addressed by Sir *Francis Head* to
Lord *Glenelg*, dated the 21st day of May last.

Colonial Office, Downing-street, }
15 June 1838.

G. GREY.

MEMORANDUM.

SIR FRANCIS HEAD having received from his friends a list of the questions which, previous to his arrival in England, appear to have been raised against the measures by which he repressed the rebellion in Upper Canada, requests permission to leave on record in the Colonial-office the following explanations :—

19 May 1838.

QUESTIONS.

Question 1. Why did Sir Francis Head, just on the eve of a political insurrection in Upper Canada, incautiously remove Her Majesty's troops from the province?

Question 2. Her Majesty's troops having been removed from Toronto about the end of October, and the insurrection in Upper Canada having broken out on the 4th of December, why did not Sir F. Head, in the intermediate time, call out the militia? Why, to quote his own words, did he allow Mr. M'Kenzie "to say what he chose, write what he chose, and do what he chose;" in short, when an attack was threatened, and while Mr. M'Kenzie's adherents were actually assembling with loaded fire-arms, why, in a moment of such danger, did Sir Francis Head stand, as he has described himself, with "folded arms"?

Question 3. Without denying the legality of the destruction of the Caroline steam-boat, can Sir Francis Head deny that that hostile act was likely to inflame, rather than allay, the violent excitement or sympathy which was raging among the Americans in behalf of the rebels of Upper Canada?

Question 4. Why did Sir Francis Head, in his speeches on assembling and on proroguing the Provincial Legislature, utter reflections against republican institutions, and against the conduct of the people of the neighbouring states, which he must have foreseen could not but irritate the Americans? Why were his despatches to Mr. Fox, Her Majesty's minister at Washington, written in the same incautious tone? Why were these state documents so unnecessarily long? And why, instead of being kept secret, were they (as if reckless of consequences) published in America?

Question 5. On retiring from the government of Upper Canada, why did Sir Francis Head rashly return to England through the United States?

ANSWERS.

Answer 1. In the month of October last, the officer commanding the troops in Upper Canada waited upon me to show me an order he had just received from the Adjutant-general at Quebec, desiring the removal of the troops from Toronto, excepting about a company, which were to be retained as a guard for Government-house, the Commissariat, &c.

I also received by the post a note from Sir John Colborne, dated Montreal, 10th October, politely explaining to me the reasons which had compelled him thus to withdraw from Upper Canada as many companies as I could spare him;

to which note I most cheerfully replied, on the 17th of October, by saying that, excepting the company at Bytown (which in another communication I particularly desired might be retained), I considered that the province could dispense with as many of Her Majesty's troops as he might deem it desirable to require.

On the 31st of October I again not only informed Sir John Colborne of my willingness to carry his wishes into effect, but feeling that one company of regular troops, to defend a country as large as England and Wales, would do me infinitely more harm than good, inasmuch as their presence would prevent me from throwing myself entirely upon the people, thus obtaining a moral instead of a military victory, I urged Sir John Colborne, as strongly as I possibly could write, to take away every soldier from the province excepting the detachment at Bytown.

Sir John Colborne readily complied with this request, and having, I feel confident, good reason to believe that he moreover required the company at Bytown, he removed it also into Lower Canada.

Observing the storm that was brewing up around him, Sir John Colborne subsequently applied to me in the most urgent terms for the further assistance of a considerable portion of the Upper Canada militia. A short amicable correspondence ensued on this subject, which will be sufficiently explained by the following copy of the concluding letter, which I addressed to Sir John Colborne only two days before the insurrection burst out at Toronto :—

(Copy.)

My Dear Sir John,

Toronto, 2 December 1837.

It is with the deepest regret I feel it necessary to inform you, that for the reasons contained in my letter to you of the 20th ultimo, I should not feel justified in complying with the request I have just received from you, "to call out the militia of Upper Canada, and endeavour to send to Montreal as many corps of the Upper Province as may be induced to volunteer their services at this critical period."

Mr. Papineau's agents in this province are doing everything in their power to create intimidation on account of the departure of the troops; and though I am of opinion that there exists no real ground for alarm, yet I am sure it would create a great deal of popular uneasiness and dissatisfaction were I to encourage our most zealous defenders to leave this province.

But I am also of opinion, that when it came to the point, there are not many who would volunteer to remain away from their farms for the purpose of fighting for the Lower Canadians, particularly if it appeared that they themselves had not taken the field.

I consider that Lower Canada can never be lost, so long as the Upper Province maintains its loyalty. In case the Lower Province should, for a short time, fall into the possession of the rebels, I feel confident, Upper Canada could not only do without troops, but would effectually assist the British Empire in recovering by force that portion of its dominions.

But I think, if I were to attempt more than this, and undertake for a whole winter, to fight the battles of Lower Canada, as well as our own, it might prove more than we could perform, and in attempting too much, we might lose all. I will, however, immediately proceed to get the whole militia of the province into a state of readiness for action.

The Montreal papers have brought us reports of rather a later date than your despatch of the 24th ultimo. You have indeed a difficult duty to perform, and I hope I need not add, that no one more ardently prays for your success than,

My Dear Sir John,

Yours, &c

(signed) F. B. Head.

Answer 2. As soon as Her Majesty's troops, having evacuated Upper Canada under the circumstances just stated, had marched to the assistance of the Lower Province, it may easily be imagined I felt very deeply the immense responsibility which rested upon my conduct.

With nothing whatever to fear, I had yet to contend with the fears of others, and as several people expressed aloud great alarm at seeing the province without troops, I deemed it proper to assemble my council, for the purpose of deliberating on what ought to be done.

With

With a view to appease the fears I have described, we unanimously agreed that a volunteer militia corps of observation of 20,000 men should immediately be enrolled; and a militia general order to that effect was not only drawn up in council, but was actually printed that day, and brought to the Government-office for circulation; however, during this short interval, having had time to give deeper consideration to the subject, I again convened the council, and submitted to their serious consideration,—

That as the loyalty of the province of Upper Canada, had been tested and recorded at the late elections, we had nothing in reality to dread but a broken down, unprincipled agitator, who, having sunk in public estimation, exactly in proportion as he had been neglected, had long been making every possible effort to force me to buoy him up by a Government prosecution. That however it might appease the fears of the timid, nothing would in fact be a greater benefit to this reptile, than that, from apparent dread of him, the Executive Government should call out 20,000 of the brave and loyal militia of the province. That this measure, combined with the concentration of Her Majesty's troops of the North American Colonies in Lower Canada, would not only produce incalculable mischief in England, by imparting to the people of the old country a false idea of the devoted attachment of the people of Upper Canada to British institutions, but that it would be sure to end in the apparent disaffection of the militia, who, in the brilliant history of their province, had shown that, while they would lose their lives to maintain their connexion with their mother country, yet they would never uselessly remain absent from their farms. That, on enrolling the names of 20,000 volunteers, it would immediately be promulgated by the agitator that the Government was afraid of the people of Upper Canada, and had therefore determined to select and arm the Tories to put them down.

For the above and many other minute reasons, the Council came to the determination that the Attorney-general should immediately be directed especially to watch the movements as well as writings of Mr. M'Kenzie; that he should report to the Executive Government, for the purpose of the apprehension of the agitator, the first act of overt treason; but that instead of the Government allowing itself to be trifled with, or agitated by such a man, it should not strike till the tiny enemy was clearly within its reach, and that, therefore, the order for the enrolment of 20,000 men should be rescinded, and accordingly it was rescinded.

Having thus deliberately determined to wait until Mr. M'Kenzie should commit himself, I was not idle in appealing to the noble feelings of the province; for instance, on the militia of Toronto offering to mount guard over Government-house, which had been abandoned by the troops, I replied, that I could not consent to receive any other protection than the laws afforded to every other inhabitant of the province; in short, I took every opportunity of making the brave and loyal people of Upper Canada feel that Her Majesty's representative stood among them, as I justly described myself to the Home Government, "with folded arms."

I felt confident that this attitude, if brought out in bold relief before the mind of the people, would produce an infinitely stronger effect than if I had appeared everlastingly changing my position in ignobly wrestling with an insignificant agitator. However, notwithstanding the attitude which in public I deemed it politic to assume, I privately made all the arrangements in my power to be ready to move whenever the proper moment should arrive.

Instead of leaving 6,000 stand of arms in the fort, which is a mile away from Toronto, I gave them in trust to the mayor, a vigilant, intelligent, loyal man, who, at my suggestion, deposited them in the centre of the city in an isolated building which any military man would at once declare could, with the artillery and city artillerymen we possessed, be successfully defended by 50 men against 1,000 regular troops.

A sufficient guard of sworn constables was immediately appointed by the mayor to protect these arms; a much stronger body were warned to be in readiness to join them; and I, almost daily, confidentially consulted with Colonel Fitzgibbon, the adjutant-general of militia, upon the rendezvous and the plan we would pursue in case the rumoured attack upon the city should be attempted.

By the operation of this passive or silent system, Mr. M'Kenzie's situation became rapidly desperate. If he could but have irritated me to have arrested a few of his followers for assembling as they did, in small numbers with loaded fire-arms (which he would instantly have declared had been merely collected to shoot squirrels), his system of agitation would have prospered; but, from being

PAPERS RELATING TO

4

UPPER
CANADA.Instructions to the
Lieut. Governor of
Upper Canada.

Encl. in No. 1.

any considerable delay, but unless under circumstances of peculiar and pressing urgency, I am strongly of opinion that sound policy as well as humanity dictates an abstinence on the part of the Executive from having recourse to this extreme penalty.

I fear that the execution of such of the popular leaders as may be apprehended and convicted, especially by sentence of courts martial, would have a strong tendency to embitter the spirit and animate the revenge of the great body of their followers, and thus to oppose a formidable obstacle to that pacification of the province which it is the anxious desire of Her Majesty's Government to effect, at the earliest period at which it can be accomplished, without a compromise of the honour of the Crown or of the public interests.

A severe punishment ought undoubtedly to be inflicted on those who have been the authors of the recent insurrection, and who have abused their influence with the peasantry to excite them to rebellion; but the degree of guilt in which the parties may have involved themselves, and the extent of the punishment to which it may be necessary to subject them, will be more safely estimated at a distance from the scene of the existing disturbances, and of the excitement consequent on them; at all events, the punishment will in that case not be liable to be attributed to any hasty or inconsiderate feeling of the moment, but will be known to be adjudged after mature consideration, and on a careful review of all the circumstances which ought to affect the decision of so important a question; I trust, therefore, that in no case will any capital sentence be allowed to take effect without your own express authority having been previously obtained; and I should be glad to find that you were enabled to suspend any such execution until after you shall have communicated to Her Majesty's Government a report of the trial which led to the capital sentence.

In the meantime, I hope that you will experience no difficulty in providing for the safe custody of any parties who may be so convicted. You will consider this despatch as intended only to convey the opinion of the advisers of the Crown, and not to embarrass your judgment in circumstances of peril to the safety of the province.

I have, &c.

Lieutenant-General Sir John Colborne, G. C. B.
&c. &c. &c.

(signed) *Glenelg.*

— No. 2. —

COPY of a DESPATCH from Lord *Glenelg* to Major-General Sir *George Arthur*.

Sir,

Downing-street, 14 March 1838.

Lord *Glenelg* to
Major-General
Sir *G. Arthur*,
14 March 1838.

REPRESENTATIONS have reached this department from various quarters that during the present Session of the Legislature of Upper Canada, measures of unusual severity and of extensive application have been proposed against those who may have been in any way implicated in the late insurrection in the province. As these representations have not reached me in any official form, I am inclined to hope that they may prove exaggerated; but I shall await with anxiety your report of the proceedings of the Legislature during their present session.

Her Majesty's Government are fully alive to the difficult position in which, at such a period of alarm and confusion, the Legislature and the Government of Upper Canada are placed. But as I trust that the causes of apprehension so lately existing are now, through the loyalty of the great body of the population, almost entirely at an end, I earnestly hope that they will be as distinguished by moderation after success, as they have been by gallantry in the time of danger. Nothing, I fear, would be more likely to impair the moral effects of the late events than unnecessary severity; I trust, therefore, that while every measure will be adopted essential to the security of the province, your influence will be successfully exerted in moderating the zeal of those, if such there be, who might be disposed to proceed to extreme measures, and in allaying that irritation which, however natural, cannot but be attended with danger to the public peace.

I have, &c.

(signed) *Glenelg.*

daylight; 22 pieces of United States artillery were also transported to our island: and yet, while this infamous transaction was going forward, the governor of the state of New York addressed his legislature in his opening speech without in the slightest degree even alluding to the subject.

Our danger was imminent; our expenses enormous. I knew that Sir John Colborne could not conveniently render me much assistance; as the winter had set in, I had nothing whatever to expect from the mother country. From the interior of the United States, people in large bodies were marching from various directions to join in the attack. Our predicament became to the Americans a subject of amusement and ridicule, and parties even of ladies were seen crowding over to Navy Island to admire the preparations for the victory which they had determined to gain.

In the midst of this dark moral scene, and while the citizens of the United States scarcely dreamt that we should dare to offer to their attack even resistance, their steam-boat, the *Caroline*, was suddenly seen drifting in flames towards the falls of the Niagara!

The magic effect of this bold measure of Colonel M'Nab's, which was immediately ratified by my unqualified approbation, was beyond description.

The inhabitants instantly fled from the American frontier villages, the citizens of Buffalo threw themselves into the greatest alarm, immense expenses for defence were immediately incurred, our invaders approaching from the interior halted as if the bugle had ordered them to do so. The attention of the federal as well as of the state government were forced to an instantaneous consideration of their duties, and both clearly saw that, although they might attack us openly if they chose, we would not stand with "folded arms" to allow ourselves to be surrounded and hustled out of Upper Canada by a mob.

Answer 4. The invasion of Upper Canada by American citizens, and the consequent destruction of the *Caroline*, having been thus brought before the consideration of the Congress at Washington, of the state government, and of the whole American people, it became of vital importance that, as no man living in a republic can ever dare to argue against the passions of the people, I should avail myself of the few legitimate opportunities I had in opening and proroguing the Provincial Legislature, and in my despatches to Mr. Fox, to appeal to the judgment of the American people, and, without fear or flattery, first show them the position in which they stood, and then, by comparing their conduct with the noble principles of the old governments of Europe, make them ashamed of themselves.

The arguments I used were never intended to please the American people, but by truth and reason to endeavour to stop their unjust invasion of Her Majesty's dominion; they were also intended to excite the people of Upper Canada to fight in its defence.

Considering the invasion with which we were still threatened, I conceived it to be absolutely my duty, by any means in my power, to lay before the American people the incontrovertible fact, that by the removal of Her Majesty's troops, as also by the surrender of 6,000 stand of arms to the civil authorities, the people of Upper Canada had virtually been granted a free opportunity of revolting, and consequently that, as the British constitution had been protected solely by "the sovereign will of the people," it became, even by the greatest of all republican axioms, "the only law of the land."

The result of this pacific course of policy now speaks for itself.

The destruction of the *Caroline*, and the arguments in my official documents have not infuriated the American people, but, on the contrary, those who were exciting and assisting them, first deserted, and then disavowed their cause; perfect tranquillity has been restored to Upper Canada without a single American having put his foot on any portion of its free soil, except its islands; and above all, the honour of the British name still shines in the Canadas, unsullied.

My despatches to Mr. Fox having been connected with the destruction of the *Caroline*, were, excepting one, submitted by request to the Provincial Legislature, by whose order they were published; and with respect to their lengthiness, whenever the expense of the invasion of the Canadian territory comes under the consideration of this country, it will, I expect, be acknowledged that I was merely performing a dry, but most necessary duty, in furnishing Her Majesty's Minister at Washington with all possible evidence and facts on the subject.

6 EXPLANATORY MEMORANDUM BY SIR FRANCIS HEAD.

Answer 5. On retiring from the Government of Upper Canada, I determined that I would at once cease to agitate the public mind, and therefore having learned that preparations were making in Montreal, Quebec, New Brunswick, and Nova Scotia to receive me publicly, I deemed it advisable to cross the United States and embark at New York.

By matured arrangements, which need not be detailed, I safely arrived at that city, where, instead of finding that my political conduct had offended the good sense of the country, I experienced, on the contrary, the most flattering and liberal reception.

Neither at the public table at which I dined, nor at the theatres which I openly visited, nor at my embarkation, which was attended by a large crowd of people, did I receive the slightest incivility, or even a solitary expression of disapprobation. I most deeply appreciated this conduct, and though I maintain that their invasion of Upper Canada was a breach of the laws of nature and of nations, I must say that my departure from the American people will induce me never to regret that I ended my Canadian troubles by a straight line.

F. B. H.

CANADA.

COPY of an EXPLANATORY MEMORANDUM,
addressed by Sir Francis Head to Lord Glenelg,
dated the 21st of May last.

(*Captain Wemyss.*)

Ordered, by The House of Commons, to be Printed,
18 June 1838.

C A N A D A.

RETURN to an Address of the Honourable The House of Commons,
dated 20 February 1838;—*for*,

COPIES of all LETTERS between Mr. HUME, Mr. ROEBUCK and any Member of this House, with Mons. PAPINEAU, Mr. M^cKENZIE, Dr. DUNCOMBE, and any other Individuals who have held Public Situations in the Provinces of UPPER and LOWER CANADA, which have been seized in those Provinces, or otherwise come into the Possession of Government.

— N I L. —

Colonial Office, Downing-street, }
1 March 1838.

G. Grey.

CANADA.

RETURN to an Address for COPIES of LETTERS
between Mr. *Hume*, Mr. *Robuck*, or any Member
of the House, with Mons. *Papineau*, &c.

(*Mr. Hume.*)

Ordered, by The House of Commons, to be Printed,
2 March 1838.

UPPER CANADA.

RETURN to ADDRESSES of the Honourable The House of Commons,
dated 8 & 21 May and 8 June 1838;—for,

COPY of INSTRUCTIONS to the Lieutenant-Governor of *Upper Canada*,
relative to Proceedings against Persons recently arrested in that Province.

EXTRACT of a DESPATCH from the Lieutenant-Governor of *Upper Canada*,
relative to the Disposal of the Prisoners convicted of Treason in that
Province.

COPIES of the several Acts of the Legislature of *Upper Canada* in the last
Session, for the Preservation of the Peace, and for the Trial of Persons
charged with Insurrection and Revolt against the Government of the
Province, stating the Dates on which the several Bills received the Royal
Sanction.

Colonial-Office, Downing-street, }
20 June 1838.

G. GREY.

(*Mr. Hume.*)

Ordered, by The House of Commons, to be Printed,
21 June 1838.

SCHEDULE.

- No. 1.—Copy of a Despatch from Lord Glenelg to Major-General Sir Geo. Arthur; dated
Downing-street, 30 January 1838 (1 enclosure) - - - - - p. 3
- No. 2.—Copy of a Despatch from Lord Glenelg to Major-General Sir George Arthur; dated
Downing-street, 14 March 1838 - - - - - p. 4
- No. 3.—Extract of a Despatch from Major-General Sir George Arthur to Lord Glenelg; dated
Upper Canada, Toronto, 14 April 1838 (11 enclosures) - - - - - p. 5
- No. 4.—Extract of a Despatch from Major-General Sir George Arthur to Lord Glenelg; dated
Upper Canada, Toronto, 23 April 1838 (1 enclosure) - - - - - p. 19
- No. 5.—Copy of a Despatch from Major-General Sir George Arthur to Lord Glenelg; dated
Upper Canada, Toronto, 5 May 1838 - - - - - p. 20
- No. 6.—Copies of the several Acts of the Legislature of Upper Canada passed in the last Session,
for the Preservation of the Peace, and for the Trial of Persons charged with Insurrec-
tion and Revolt against the Government of the Province - - - - - p. 21

[3]

P A P E R S
RELATING TO
U P P E R C A N A D A.

— No. 1. —

COPY of a DESPATCH from Lord *Glenelg* to Major-General Sir *George Arthur*.

(Separate.)

Sir,

Downing-street, 30 January 1838.

FROM Sir F. Head's despatch of the 19th December, No. 132, I observe that a special commission has been constituted in Upper Canada for the trial of those persons who may be in custody on political charges connected with the recent revolt in that province. Her Majesty's Government entirely approve the distinction which has been made by your predecessor between the cases of the few leaders in the attempt to disturb the peace of the colony, and of those misguided individuals who were seduced from their allegiance by the arts and misrepresentations of others. Nor can Her Majesty's Government fail to notice the wide difference which exists between the circumstances which have taken place in Lower Canada, and the recent events in the Upper Province. So far as can be collected from the information now before me, the chief motive which influenced the instigators of the disturbance in Upper Canada appears to have been the desire of plunder, and the offences which they perpetrated seem to bear comparatively little of a political character. In transmitting to you therefore the enclosed copy of a despatch, recently addressed by me to Sir J. Colborne, explanatory of the views of Her Majesty's Government as to the manner in which persons accused of political offences in Lower Canada should, if possible, be dealt with, I cannot venture to impose any restriction on the discretion which you will exercise in the event of any convictions taking place, in due course of law, for crimes of a serious nature committed by the insurgents in Upper Canada. So far only as the opinion expressed to Sir J. Colborne is applicable to the circumstances of the Upper Province you will take it for your guide, and I feel confident that while the open and daring violation of the law which has recently taken place will be fully vindicated, no unnecessary severity will be sanctioned by you.

UPPER
CANADA.

Instructions to the
Lieut.-Governor of
Upper Canada.

6 January 1838.

I have, &c.

(signed) *Glenelg*.

Enclosure in No. 1.

Sir,

Downing-street, 6 January 1838.

ALTHOUGH I am well aware that it is as unnecessary as it is impossible for me to address to you any specific instructions as to the course which, under particular circumstances, you may feel it incumbent on you to adopt, in the exercise of the powers at present vested in you, I feel it my duty to make one or two suggestions for your consideration.

Adverting to the great irritation which has for some time past existed in the minds of many of the inhabitants of Lower Canada of British origin, in consequence of the conduct of the French Canadian majority, I am extremely anxious that every precaution should be taken against any semblance of retaliation on their part upon such of their opponents as may have brought themselves by their conduct within the operation of martial law.

It seems to me with this view highly important, that courts martial for the trial of offenders during the continuance of martial law should, as much as possible, be composed of regular officers in the British army, and not of officers in the militia, or of those invested only with temporary commissions, being themselves permanent settlers in the province. Great circumspection will, I think, also be requisite in carrying into effect any capital sentences which may be passed on persons convicted of political offences. It may indeed be necessary that a sentence of this nature should be carried into effect, and without

Encl. in No. 1.

4 EXPLANATORY MEMORANDUM ADDRESSED BY

unopposed, he found himself listened to merely by a few powerless individuals who had become his adherents from misrepresentations and falsehoods, which every hour was dispelling; besides this, he had reason to believe that his New York creditors (who I understand have now imprisoned him) were actually on the road to Toronto to arrest him for his debts.

Under these circumstances he determined to make a desperate effort to rob the banks of Toronto, which he well knew were teeming with specie, and there can be no doubt, if he and Dr. Rolph had succeeded in this plot, that they would have immediately absconded to the United States, and that the reformers of Upper Canada, deserted by their agitators, would have been exhibited as a moral in politics instructive to the world.

With this object in view, Mr. M'Kenzie made every exertion to collect a crowd. To those ripe for plunder and revolution he mysteriously alluded to the coffers of the bank; others he gained by assuring them that the chief justice of the province was ready to join them; others were told that the receiver-general would declare himself in their favour; all were assured that clouds of Americans were marching to join them.

By falsehoods of this nature, and by indefatigable exertions, Mr. M'Kenzie managed to delude about 500 men, who were secretly warned to assemble at Montgomerie's Tavern on the night of the 4th of December.

Although this intended arrangement was known only to a few guilty individuals, yet the publication of Mr. M'Kenzie's last weekly newspaper, and other circumstances, induced the attorney-general to believe that the traitor was at last within the reach of the firm grasp of the law. Accordingly, having assembled my council, as also the law officers of the Crown, we unanimously adopted resolutions which were committed to writing, and of which the following is a copy;—

1. *Resolved*, That Mr. M'Kenzie be arrested for high treason, immediately after the publication of his next paper.
2. *Resolved*, That he be committed to some place of safe keeping in Toronto.
3. *Resolved*, That his papers be seized if found treasonable.
4. *Resolved*, That two regiments of militia be organized and armed.
5. *Resolved*, That a body of militia be placed in charge of the fort.
6. *Resolved*, That the militia artillery be increased as the adjutant-general shall advise.

The very day before these arrangements were to be executed, Mr. M'Kenzie (on the 4th of December) carried his insane project into effect, by assembling his 500 deluded followers. Abandoning Government-house, I immediately retired to the arms which I have already stated I had placed in a position, which, to troops without artillery, was impregnable.

From this spot I immediately wrote and despatched three notes in pencil, as follows:

“Militia of ————— forwards.”

“F. B. H.”

On the promulgation of these words, 10,000 men, in the depth of winter, at once rushed to my assistance.

On the 7th of December, Mr. M'Kenzie's conspiracy tumbled to pieces like a rope of sand in all directions; he and his victims fled before the militia; the leaders absconded to the United States, and so completely were they defeated, that the following day placards by my order were posted on all the public roads, proclaiming that there was no further occasion for the resort of militia to Toronto; and seeing that I could now safely afford to lend assistance to the Lower Province, I at once, by a general militia order, placed the militia of the seven eastern counties of Upper Canada at the disposal of Sir John Colborne.

Answer 3. The insurrection in Upper Canada having been thus completely quelled, I suddenly learnt (I own with astonishment) that the republican citizens of the United States were preparing to invade us! A body of these citizens, under an American leader, accordingly violated and took possession of Navy Island, the territory of Her Britannic Majesty. Public meetings were assembled in various parts of the United States; public subscriptions were entered into; placards, headed by the American Eagle, and signed by a committee of 10 or 12 citizens, were openly displayed, calling for arms, ammunition, and provisions. The government arsenals on the frontier (in which, strange to say, were found all ready deposited, immense quantities of arms) were broken open and plundered in broad daylight;

— No. 3. —

EXTRACT of a DESPATCH from Major-General Sir *George Arthur* to
Lord *Glenelg*, dated Upper Canada, Toronto, 14 April 1838.

1. I HAVE the honour to acknowledge your Lordship's despatch of the 30th January last, marked "Separate," enclosing a copy of a despatch dated 6th January, addressed to Sir John Colborne, in which your Lordship had offered some suggestions for his consideration respecting the circumspection which would be requisite in carrying into effect any capital sentences passed upon persons convicted of political offences, and more especially by courts martial.

2. In drawing my attention to the same subject, your Lordship observes that "Her Majesty's Government could not fail to notice the wide difference which exists between the circumstances which have taken place in Lower Canada and the recent events in the Upper Province. So far as can be collected from the information now before me, the chief motive which influenced the instigators of the disturbance in Upper Canada appears to have been the view of plunder, and the offences which they perpetrated seem to bear comparatively little of a political character."

3. In this view of the case your Lordship has laboured under a certain degree of misapprehension. For although the distribution of the public lands was held out as a bounty to those who should join the rebels, and the war was expected to be carried on by means of the confiscation of the lands of the loyalists, and the plunder of the banks and of private property; though crimes were wantonly committed, and though there was too much reason to apprehend that rapine and outrage to a great extent would have followed an unsuccessful resistance to the insurgents, yet the disturbance was essentially of a political character, as in Lower Canada. In the latter province the rebels remained in a neighbourhood almost wholly disaffected; and to the circumstance of their not being able to advance upon Montreal, is to be attributed the comparative absence of outrage, and not to any peculiar elevation of sentiment or peculiar purity of motive which belonged to the French Canadian insurgents. In Upper Canada the same pretensions to patriotism, the same assertions of republican principles, the same accusations against the Government of tyranny and corruption were put forth as the ground and justification of the rebellion, as in the lower province. In Lower Canada, the right was insisted on, of the popular branch of the Legislature sullenly to refuse acting as a legislative body, and to bring to a complete stop all beneficial operations of Government, and to assert a supremacy inconsistent with the relations of a colony with the parent state.

In Upper Canada arms were taken up with the avowed purpose of assisting the Lower Canadians, and of asserting the same principles as applicable to this colony. In Upper Canada the majority of the Assembly were attached to British institutions; but this majority was asserted to have been brought about by unconstitutional means on the part of Government; and the use which the revolutionary party had made of a majority in Parliament when they had it, was precisely the same here as in Lower Canada; namely, to coerce the Government by a refusal to grant the necessary supplies. The revolutionists in neither province hoped by themselves to overthrow the Government. They alike solicited foreign aid, and by its means expected to accomplish those designs. The object to be gained, the means to be used, the Government to be overthrown, the institutions to be set up, the true moving cause of the revolt (the desperate ambition of a few leaders, and the apparent weakness of the barriers to its gratification), were in both provinces not only similar but identical.

Therefore, my Lord, I cannot see that any distinction of value can be drawn between the cases of the two provinces: and I greatly fear that the plain and wide difference between right and wrong, between allegiance and disloyalty, between innocence and immorality, would be dangerously narrowed, by making treason a shadow of excuse or mitigation for the crimes and outrages which it naturally brings in its train.

4. Accordingly, regarding the circumstances of the two provinces in these respects as the same on the 24th of March, the very day after my succeeding to the Government (the gaols at Toronto and in the Gore and London districts being full of prisoners, and the trials having commenced) I caused your Lordship's

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despatch and its enclosure to be read before the Executive Council, in order that the members might be in possession of the views of Her Majesty's Government as regarded Lower Canada, and have time to reflect how far they bore upon the events that had transpired in Upper Canada, before the reports of any capital cases were brought under the consideration of the Council.

On this occasion I was informed that it was almost universally expected, after the great injuries, the severe hardships and privations, and, in many instances, deep distress which the loyal inhabitants of the province had endured, that the severest penalty of the law would be visited upon all the leaders and most guilty traitors, in order to deter the disaffected section from ever again venturing to bring upon the community such a heavy calamity.

At the same time, whilst they put me in possession of the general sentiment abroad, the members of the Council themselves saw the difficulty of proceeding to extremes where so large a number of persons were concerned; and much consideration was given to framing some plan for classifying the offenders, amongst whom were many shades of moral guilt, although all were alike amenable to the legal penalties of high treason.

5. On the 29th March, the Chief Justice reported that Samuel Lount and Peter Matthews had been convicted, upon their confession, of high treason, and that sentence of death had been passed upon them, to be carried into execution on the 12th of April.

The Council was therefore again assembled on the 31st of March, to take this report into consideration; and I thought it a duty that peculiarly devolved upon me, at such a crisis, to intimate to the Council my opinion, which your Lordship will find in the accompanying Minute, that it was expedient and proper, in the spirit of your Lordship's suggestions to Sir John Colborne, that a course of mercy should be pursued, so far as it could be carried on with a due regard to the maintenance of the laws, and that some means must be devised for limiting the number of trials, and discouraging the continued apprehension of persons on the charge of treason.

*Vide Minute
marked (A.)*

*Vide Minute in
Council.*

*Vide Report of the
Attorney-general,
2 April.*

6. On the cases of Lount and Matthews, the Chief Justice and the Attorney-general were heard at length before the Council; neither could recommend that they should be either pardoned or respited. In his Report the Attorney-general observes, "It will be seen from the foregoing statement, that both Lount and Matthews were prominent and active leaders of the rebels; that they possessed much influence, which they employed in seducing their neighbours from their allegiance; and that each of them, in attempting to attain their treasonable designs, was directly implicated in the crimes of robbery, arson, and murder.

"With respect to the infliction of capital punishments on any of the offenders, I have already, by your Excellency's command, expressed my opinion in the presence of your Excellency in Council. I think public justice requires, and the peace of the country renders it necessary, that some of the most guilty offenders should be executed. I trust it will be found that the number may be reduced to a *very few*. With this feeling I considered it my duty to prosecute, in the first instance, the two convicts to whom this report refers, that the earliest opportunity might be afforded your Excellency to determine on the course that your Excellency might deem most just and expedient to pursue in a matter involving considerations of the deepest importance."

*Vide Minute in
Council, 2 April.*

With respect to these cases, therefore, the following advice was given: "The Council have considered with great deliberation the despatch dated 30th January 1838, the copy of a despatch to Sir John Colborne, bearing date 6th January 1838, transmitted with the former despatch, and referred to therein, and also the opinion delivered by the Chief Justice and the Attorney-general before the Council, with the report of the Attorney-general.

"The Council have also considered attentively the Minute of his Excellency, and with every disposition to recommend the extension of Royal clemency, so far as at all compatible with the public safety, feel bound respectfully to advise his Excellency not to interfere with the course of justice in favour of Samuel Lount and Peter Matthews.

"The Council conceive that in advising this course, they are not, in any respect, departing from the spirit of the despatch addressed to Sir John Colborne. The Council are of opinion that the cases in question are of great urgency; that severe public example is actually required in some instances; and that the crimes which

which these prisoners were shown to have aided, abetted and countenanced the committal of, in addition to the crime of high treason, point them out as particularly fit to be selected for capital punishment.

"They are not the deluded followers of the instigators of treason, but, on the contrary, the leaders and instigators of others. Murders have been committed by the men under their immediate command, and houses have been burned by those amongst whom they held command; they appear to have been aiding in robbery of the public mail, and their conduct seems to have but too well justified the apprehensions entertained of the horrible consequences which would have attended a successful revolt.

"The Council believing that the execution of the sentence of the law with promptitude will do much towards its beneficial operation, feel that they cannot consistently with their duty recommend the delay which must take place on a reference to Her Majesty.

"The Council, conceive that a reference to the Home Government, accompanied as it must necessarily be with a strong recommendation that sentence should be executed, while it might raise false hopes of mercy in the minds of the unhappy convicts, could scarcely be said to add to the probability of an extension of mercy.

"The Council, therefore, without entering into the consideration of the course to be pursued towards the prisoners generally, feeling no doubt or hesitation regarding the cases of the prisoners Samuel Lount and Peter Matthews, respectfully advise his Excellency to let the law take its course upon them."

In this advice I most entirely concurred; and the two unhappy, but I rejoice to hope penitent, convicts, were executed on the 12th instant.

Petitions signed by not less than 8,000 persons have been presented in their favor within the last three or four days. They were, of course, laid before the Council, but the members adhered to the advice and opinion they had given, and I think they did so wisely. There were no circumstances in favour of the culprits, and they were the most active leaders and partizans in rebellion, next to Mackenzie, Rolph, Duncombe, and others, who had made their escape to the United States.

The rebels, amongst whom they thus took a very active and prominent part, proved not only that they were determined with their own hands to execute the foulest deeds in furtherance of their project of subverting the Government, but that they had encouraged a class of dissolute and vagrant foreigners to join in their enterprize, who, they well knew, would not hesitate to inflict upon the inhabitants of this province, if they could have subjugated them, the most barbarous atrocities. Moreover, some valuable lives have been sacrificed; a great number of industrious poor persons have, to the great distress of their families, been called from their homes for many weeks, first, to suppress the rebellion, and then to guard the frontier from the incursions of a lawless banditti; and an enormous expense has been incurred.

8. These aggravating circumstances, strong as they be, are no justification for revengeful feelings; but they go to establish that the very severest examples are necessary to demonstrate that those who enter upon a treasonable course must be prepared to answer for a failure with their lives.

9. With these remarks, I transmit to your Lordship copies of the whole of the Minutes of the Executive Council bearing upon the case, as I am anxious Her Majesty's Government should be at once in full possession of all that has transpired regarding the execution of Lount and Matthews; and when your Lordship shall have read the proceedings of the Council, I trust you will be convinced that I ought not, from any apprehension of responsibility, to have respite these convicts for the purpose of sending their cases to England, as no recommendation for mercy could possibly accompany them.

10. Your Lordship is no doubt anxious that the whole proceedings against the parties who have been implicated in this unhappy rebellion should be brought to a speedy close, and Her Majesty's Government made acquainted with the results. Certainly, in some respects, despatch is very desirable; but, in others, the most beneficial results are the consequences of delay.

11. When I arrived here, only three weeks ago, the prevailing sentiment amongst very excellent persons was, that many of the most guilty traitors ought to suffer the extreme penalty of the law; and that those who were known to

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have long been disloyal men, and who were not executed, should be either transported or banished, and their property confiscated. The constitutional party, indeed, strongly entertain the utmost indignation towards the authors of the calamity which has been brought upon the province, and the ruin which has been the consequence to many loyal men; and they expect that signal examples will be made to deter future reformers from daring to go to such lengths. But the more moderate men of this party begin to be softened; and many, I believe, would now themselves be even desirous that the lives of some of the traitors should be spared, towards whom but yesterday, as it were, they thought that any mercy shown would have been a violation of justice, and an encouragement to crime.

12. There are some serious legal difficulties which hedge the movements of the Executive Government in on all sides. Something, perhaps, must be done that is abstractly wrong; but if this fence be broken through for a merciful purpose, I satisfy myself that Her Majesty's Government will relieve me from the responsibility of the damage.

13. But, before I proceed to detail the course that has been determined upon, it is necessary that I should respectfully correct an error into which I observe your Lordship has fallen, in supposing "that a special commission has been constituted in Upper Canada for the trial of those persons who may be in custody on political charges connected with the recent revolt in this province." Such was not the case. In order to relieve the country from the perplexity of dealing with the great body of persons daily apprehended on the charge of high treason, my predecessor appointed certain commissioners, of whom the Vice-chancellor was president, for the purpose of inquiry and taking the depositions of witnesses; and the Commissioners, very properly I think, (though perhaps not quite constitutionally) took upon themselves the responsibility, in certain cases, to suffer the accused to be at large on bail, but liable, of course, at any moment, to be brought to trial before the ordinary tribunals of the province.

14. Of this class of persons out on bail, the Commissioners are aware that there are some dangerous characters. These (it is hoped they will not be found to be numerous) must be tried, for they cannot otherwise in any manner be dealt with. But the great mass of these cases, if there were any power to get rid of them, might be beneficially dropped.

At present, however, it will be most prudent to let them remain under their liabilities. There is thereby a hold upon them which just now it may be as well not to abandon.

15. It is questionable whether there be constitutionally any authority to interpose, in order to prevent these or any other persons charged with high treason from being brought to trial; and having called upon the Executive Council for their opinion and advice in this matter, a very clear and able report was drawn up thereupon by Mr. Sullivan, the presiding member, which was referred to the judges; and, under their opinion, the Attorney-general has been instructed "to stay proceedings against all who may fall within the above classification at present on bail, or not yet arrested, until Her Majesty's pleasure be known."

16. The next cases with which there is a difficulty in dealing, refer to those persons who have made full confession of the guilt of high treason, and have petitioned under the Act of the Provincial Parliament, and whose petitions have been received.

A doubt has arisen whether the Legislature, in enacting that the lives of these offenders should be spared, did not intend that they should actually suffer all other penalties incident to a conviction for high treason, in the way of disability and forfeiture of property in addition to commuted personal punishment. But, for the reasons which I have explained in my Minute to the Executive Council, I am satisfied the Legislature of this province could not constitutionally limit the power of the Crown in extending mercy, and therefore it must be presumed it was not intended.

17. Your Lordship will then perceive that our position is as follows:

1st. The cases which are tried before the courts wherein the prisoners are convicted, and capital punishment is not inflicted, must be pardoned either conditionally or unconditionally by the Crown. In like manner must the cases be disposed of wherein the parties have been allowed to petition, and have made full confession

Vide Minute in
Council, 3 April.

Vide Act, cap. 10,
intituled, "An Act
to enable the Go-
vernment of this
Province to extend
a conditional par-
don in certain
cases to persons
who have been
concerned in the
late insurrection."

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confession of their guilt. And in all the cases wherein the accused parties are on bail, they must be tried, or the cases must be left in abeyance.

The Commissioners are therefore now employed in drawing up a report upon the whole of these cases, which will be transmitted to your Lordship with the least possible delay, after I shall have received and considered it in Council, with a humble recommendation to Her Majesty of the conditions, if any, on which each prisoner should receive a pardon. Your Lordship, however, must be prepared to expect that this report will take some time in preparing.

18. With regard to the secondary punishments with which those should be visited who have confessed to high treason, or who may be convicted of it, nothing has yet been determined upon, although the subject has several times been discussed before the Council.

My own impression, with the information now before me, is that there are no cases quite so bad, in every respect, as those of Lount and Matthews; and that, therefore, no farther capital executions need of necessity be inflicted; but that transportation should be resorted to, both as a deterring punishment and as the means of effectually ridding the country of the worst and most dangerous traitors. And to all others I would grant a free and unconditional pardon, hoping that they will not abuse the mercy shown them, and that they will become faithful and loyal subjects.

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Enclosures in No. 3.

(No. 1.)

Government-house, Toronto, 24 March 1838.

Present; His Excellency the Lieutenant-Governor, the Honourable Robert Baldwin Sullivan, the Honourable William Allan, the Honourable Augustus Baldwin, the Honourable John Elmsley, the Honourable William Henry Draper.

Encl. in No. 3.

His Excellency was pleased to lay before the Council a despatch received from the Right Hon. the Secretary of State for the Colonies, marked "separate," dated 30th January 1838, on the subject of the proceedings anticipated by his Lordship to be had against persons implicated in the late rebellion.

Also accompanying the above, a copy of a despatch, marked "separate," dated 6 January 1838, transmitted by his Lordship to his Excellency Sir John Colborne, now administering the government of the province of lower Canada, on the same subject.

Which documents, by desire of his Excellency, were read in Council.

His Excellency was pleased to direct the attention of the Council to the following documents:

First. A letter from Her Majesty's Solicitor-general, with an accompanying list of prisoners against whom indictments have been found at the court of Oyer and Terminer at Hamilton, in the district of Gore, requesting that the said list might be submitted to the consideration of his Excellency, that the necessary Order in Council might be transmitted, authorizing the trial of these prisoners, or such of them as his Excellency might think fit.

Second. A letter from the same officer, containing an additional list of prisoners against whom indictments for high treason had been found at the same court, and the Solicitor-general's observations on the cases of the prisoners.

The two acts of the provincial Parliament passed during the last session, relating to the detention of persons charged with treason, or suspected of treasonable practices, and authorizing conditional pardon in cases of petition before arraignment, having been read; The Hon. William Henry Draper, Solicitor-general, stated that he was ready to lay before the Council the informations against the respective prisoners, and to give such explanations of the several cases as the knowledge obtained by him, as the prosecuting officer of the Crown, enabled him to do. After much deliberation on the subject of such a general classification of the cases and a corresponding scale of penalty as would produce as nearly as practicable uniform action of the Government in the respective cases, as well as in the several districts of the province, it was agreed to postpone the discussion of this question, and to confine the attention of the Board to such cases on the Solicitor-general's list as it would be proper to bring to trial, whether petitions for conditional pardon should or should not be preferred by the parties implicated.

And, secondly, to the disposal of cases in which bills of indictment have been found, and in which the parties implicated shall not petition, but which shall not be included in the class of cases which are considered proper to be brought to trial at all events.

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The attention of Her Majesty's Attorney-general having been required, and that officer and the Solicitor-general concurring in the opinion that it would be necessary to dispose of the cases of prisoners who should not petition, by bringing such prisoners to trial on the indictments found,

It was agreed, after full consideration of the merits of the respective cases, that the following Order in Council do issue:

"It is ordered by his Excellency the Lieutenant-Governor in Council, that the under-named prisoners, who stand indicted by the grand jury of the district of Gore for high treason, be arraigned and tried upon the respective indictments found against them; that is to say,

Horatio Hills,
William Lyons,
Finlay Malcolm,
Peter Malcolm,

Elias Snider,
John Tufford,
Charles P. Walrath,
Solomon Lossing,

And that all other prisoners against whom indictments have been found for high treason by the said grand jury, and who have petitioned, or who shall petition before arraignment, pursuant to the act of the provincial Parliament in that behalf made and provided, shall be considered as proper objects for the merciful consideration of the Government under the authority of the said Act.

And it is further ordered, that all prisoners against whom indictments for high treason have been found by the said grand jury, who have not petitioned, or who shall not petition before arraignment under the said Act, shall be arraigned and brought to trial in due course of law.

It was further agreed by the Board, that a copy of the above order be furnished to Her Majesty's Solicitor-general for his direction and guidance in the premises.

After which the Council rose.

(No. 2.)

Executive Council Chamber, at Toronto, Saturday 31st March 1838.

Present; His Excellency the Lieutenant-Governor, the Honourable Robert Baldwin Sullivan, the Honourable William Allan, the Honourable John Elmsley.

Minute marked
(A.)

11 March 1838.

29 March 1838.

His Excellency was pleased to lay before the Council the following minute, which by his Excellency's desire was read.

His Excellency was also pleased to lay before the Council a despatch from Her Majesty's minister at Washington, on the subject of the Act of Congress for the preservation of neutrality on the frontier, enclosing a copy of the Act.

Also, a report from the Chief Justice on the respective cases of Samuel Lount and Peter Matthews, tried for high treason, before the Special Commission of Oyer and Terminer now sitting.

The Chief Justice having attended the Council, at the request of his Excellency the Lieutenant-Governor, the despatches of the Right Honourable the Secretary of State for the Colonies, and his Excellency's minute, were laid before him, and being desired to state whether, having considered those documents, there was any ground upon which he would recommend that the sentence of the Court, in the two cases reported by him, should not be carried into execution; the Chief Justice stated in answer, that he saw no ground upon which he felt that he could properly recommend a pardon or respite in those cases.

His Excellency was pleased to require the attendance of the Attorney-general, and on that officer appearing, his Excellency proposed to him the same question as had been before asked of the Chief Justice; and, moreover, directed his attention to the cases of the two convicts reported by the Chief Justice to be under sentence of death.

The Attorney-general said, that after giving the matter great consideration, he felt himself bound to give it as his opinion, that a necessity existed for the infliction of capital punishment in some instances; he, however, thought that the number of cases of capital punishment might, if such was the desire of Her Majesty's Government and of his Excellency, be very limited.

The Attorney-general called the attention of his Excellency to the fact, that the lives of several of Her Majesty's loyal subjects had been taken by the insurgents during the late revolt, and that the peculiar and appropriate punishment for this crime was death; and that he did not consider the crime at all mitigated, but on the contrary aggravated, by its being accompanied with treason, and committed in the attempt to overthrow the Government by violence.

The Attorney-general said, that he had selected the persons, reported to be under sentence of death, from amongst the number in custody, as being to the best of his knowledge more peculiarly accountable than the others actually within the reach of justice, for the crimes committed; that they were not of a class liable or likely to be misled or deluded by others, and certainly had been most active in assisting and leading into the rebellion many who had that excuse, such as it was, to offer.

The Attorney-general further said, that he regretted exceedingly that some had succeeded in escaping to the United States who well deserved to be substituted for these prisoners,

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as objects for the extreme penalty of the law, but that he knew of no circumstances in their cases in extenuation of guilt which would warrant him in recommending them as proper objects of royal clemency.

The Attorney-general said, that as the plea of guilty by these prisoners prevented the facts of their respective cases from coming before the Chief Justice, and therefore could not enter into his report, he would collect such information as the proceedings of the Commission of Inquiry placed within his reach, and would have the honour of transmitting them for the information of his Excellency.

The Attorney-general further said, that although he knew it was expected by the public that a sacrifice of life to a greater extent should take place, and that extreme lenity on the part of the Government might produce dissatisfaction, he nevertheless hoped his Excellency might feel himself justified, in compliance with the views of her Majesty's Government, and with his own feelings of humanity, in limiting the number of capital punishments, even to the two cases reported.

The Attorney-general, in answer to the inquiry as to the legality and expediency of staying proceedings against any person against whom information was regularly given, said that he was prepared to act in obedience to the orders of Government, and that no proceedings could take place without his having the power of staying them. He said that a number of persons had been arrested, which, in comparison with the proceedings after rebellion in the British Isles, must appear unusually large in proportion to the number engaged in the revolt. This, he said, was easily accounted for, from the fact that the rebellion was quelled in the place where it originated, and that under this circumstance, in a small community, the conduct of the disaffected was known to the loyal, and their persons easily recognized. It was also to be expected, when the loyalty of the great mass of the people was undoubted, and when there was no place the inhabitants of which were wholly disaffected, into which obscure persons could retire from observation. He said that it was nevertheless desirable that the proceedings against the deluded followers of rebellion should not be too strict, and expressed his willingness to act with the Government in any course which it might see fit to adopt for staying the course of justice until the pleasure of Her Majesty should be known.

The Attorney-general then alluded to the cases in which the Commission of Inquiry had admitted persons brought before it to bail, and said that he hoped the Government would give him positive instructions concerning them, as otherwise he should feel himself under the necessity of proceeding on the information before him.

The Attorney-general having retired, his Excellency said that the proclamation issued by Sir Francis Bond Head, inviting the persons in arms to return to their homes, was particularly worthy of the attention of the Council; and that at the next meeting he would bring this subject, in connexion with the others under discussion, before them; and his Excellency expressed his desire that the Council should assemble on Monday next, at eleven o'clock, A.M., and stated that it was his intention to meet them at noon.

Wherefore it was ordered, that the Council be summoned specially for Monday next at eleven o'clock, A.M., and the Council rose.

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(No. 3.) A.

MINUTE.

1. THE Lieutenant-Governor, in requiring the advice of the Executive Council as to the course to be pursued towards those unhappy subjects of Her Majesty engaged in the late insurrection, again refers to the despatches read and discussed in Council on the 24th of this present month.

2. The Council will no doubt give due weight to the distinction which was properly made by his Excellency Sir Francis Bond Head, between the cases of the few leaders in the attempt to disturb the peace of the colony, and of those misguided individuals who were seduced from their allegiance by the acts and misrepresentations of others; which distinction the Council will perceive by the despatch of the 30th January last, marked "separate," has been fully approved of by Her Majesty's Government; nor will the Council fail to perceive the importance attached by the Right honourable Secretary to the motives which influenced the instigators of disturbance in Upper Canada, and the nature of the offences which they perpetrated.

3. With these qualifications, his Excellency desires the Council to understand that he feels himself bound to act in the spirit of the instructions to His Excellency Sir John Colborne, (so far as they are applicable to this province,) a copy of which has been transmitted for the information and guidance of this Government; and, with a view to this important document receiving full consideration, the Lieutenant-Governor particularly invites the attention of the Council to that part of the despatch in which Lord Glenelg makes the following observation:

"Great circumspection will, I think, also be requisite in carrying into effect any capital sentences which may be passed on persons convicted of political offences.

"It may indeed be necessary that a sentence of this nature should be carried into effect, and without any considerable delay; but, unless under circumstances of peculiar and pressing urgency, I am strongly of opinion that sound policy as well as humanity dictates an abstinence on the part of the Executive from having recourse to this extreme penalty."

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4. The Council will perceive by the above extract, that Her Majesty's Government, unless in cases of extreme urgency, is desirous of reserving to itself much discretion on the subject of the infliction of severe and extreme penalties; and the Lieutenant-Governor sees, in addition to the argument so forcibly set forth in this despatch, an additional inducement to follow the humane course pointed out by his Lordship, in the necessity under which the local authorities and the loyal Canadian people must feel themselves placed, not only to act in a manner which they know to be right and becoming, to the best of their own judgment, but also in such a way as to secure the good opinion and sympathy, and assistance of the British Government and people, to which this colony must in a great measure look for the preservation and security of the institutions which it has been proved to hold so dear.

5. The Lieutenant-Governor would also suggest to the Council that the determination expressed on the part of Her Majesty's Government to maintain and preserve the loyal inhabitants of this colony in the truly noble course adopted by them, and the extensive military preparations for the defence of this province against revolt or aggression, must be considered as removing one great motive for extreme punishment. Harshness and severity are distinguishing marks of weakness and apprehension. It is to undoubted power and security alone belong the magnanimity and serenity which accompany acts of forbearance and mercy.

6. The cordial approval by the Secretary of State of the distinction made by his predecessor, Sir Francis Head, between the few leaders and instigators of the late revolt, and their deluded followers, leads the Lieutenant-Governor irresistibly to the conclusion that it is not the desire of Her Majesty's Government to visit with prosecution and punishment the great mass of offenders engaged in the late insurrection. He is, therefore, induced to request the assistance of the Council in selecting from the numbers who have brought themselves within the penalty of the law, such as from their influence or importance, or from the aggravated nature of the offences committed by them, may appear the most proper to be made examples of severe punishment.

7. The remainder, the Lieutenant-Governor thinks, must, in deference to the views of Her Majesty's Government, remain for the present in a great degree unmolested; and although by the mildness of this proceeding, sincere penitence, amendment and gratitude may not in many cases be secured, it is sufficient for a strong and merciful Government to know that its clemency is deserving of such return.

8. The Lieutenant-Governor feels it proper to advert to the Act of the provincial Parliament passed during the last session, assuming to give limited powers of extending conditional pardon to the executive provincial government.

The Lieutenant-Governor does not desire to question the wisdom of the Legislature, or the propriety, under the circumstances, of giving the Royal assent to this measure; but he cannot relieve himself from an impression that the Houses of the provincial Legislature were not the constitutional sources from whence the Lieutenant-Governor ought to derive the power of exercising to an extended degree a prerogative so exclusively belonging to the Crown as that of pardoning offences.

The Lieutenant-Governor, however, in the supposition that his ideas on this subject may not be so well founded as those of the Legislature and of his predecessor, will be prepared to act under the law so far as he conceives it adapted to the exigencies of the occasion.

9. He is well aware that, in directing the law officers of the Crown to stay proceedings and forbear prosecutions in cases of treason, he may be considered as far exceeding the authority given by this Act, and as incurring a responsibility still more serious than in acting under it; but to this course he thinks sound policy points, as well as proper considerations of humanity, and he is convinced that his most gracious Sovereign will not judge with severity what, strictly speaking, may be considered an usurpation of Her Majesty's prerogative.

10. As regards the citizens of a foreign country, who have been taken in the atrocious act of appearing in arms against the subjects of Her Majesty, the Lieutenant-Governor has nothing to say in extenuation of the offence, or in favour of the offenders; but, as the making war or peace, the management of international policy, and adjudication upon international law, belong exclusively to the Imperial Government; and as the cessation of aggression upon the frontier relieves the province from the immediate apprehension of the reiteration of the same offence, and as the pressing necessity for making severe and terrible examples is thus, happily, greatly removed, the Lieutenant-Governor hopes the Council will concur with him that these cases should also anxiously be considered, with a view of making some distinction, if the circumstances admit of any distinction being made.

11. The Lieutenant-Governor has thought it proper to place before the Council his views on these important subjects; he does so without any desire unduly to influence their opinion, but to show them to what extent he is willing to incur the responsibility of acting under the exigency of the present circumstances. It will give him great pleasure and increased confidence in his own opinions, should they meet the concurrence of the Council; but, if he should fail in convincing them, he has at least no doubt of their receiving candid, full, and unprejudiced consideration.

31 March 1838.

(signed) George Arthur, L. G.

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(No. 4.)

UPPER
CANADA.

Toronto, 29 March 1838.

Sir George Arthur
to Lord Glenelg,
14 April 1838.

Encl. in No. 3.

May it please your Excellency,

I HAVE to report to your Excellency that at the special commission now sitting in Toronto, Samuel Lount and Peter Matthews have been convicted, upon their confession, of high treason, in levying war against Her Majesty, and that sentence of death was passed upon them this day, to be executed on the 12th day of April next.

The prisoners having pleaded guilty upon their respective indictments, I have no evidence to report; and for the particular circumstances of each case, I must refer your Excellency to the Crown Officer, and to the commissioners who investigated the charges against the prisoners after their apprehension.

I have, &c.

(signed) John B. Robinson, Chief Justice.

His Excellency the Lieutenant-Governor,
&c. &c. &c.

(No. 5.)

Attorney-general's Office, Toronto, 2 April 1838.

To His Excellency Major-General Sir George Arthur, K. C. H. Lieutenant-Governor
of Upper Canada, &c. &c. &c.Report of the Attorney-general on the cases of Samuel Lount and Peter Matthews,
convicted of high treason.

May it please your Excellency,

THE above-named persons were the first arraigned during the present session of the court of Oyer and Terminer; they respectively pleaded guilty to the charge preferred against them, and were subsequently sentenced to be executed on the 12th day of the present month of April.

The facts as respects the cases of these two convicts are as follows:—

Samuel Lount is a native of the United States of America; he came to this province many years ago, and established himself in this district, where he acquired a valuable property.

In 1834, he was returned by the electors of the county in which he resided as one of their representatives in the Provincial Parliament; and of course possessed extensive influence with the people among whom he lived.

It appears from the deposition of witnesses taken before magistrates, that a considerable proportion of the force, lately in arms against Her Majesty, came from the neighbourhood in which Lount resided, and it also appears that he was their leader, and that he was distinguished by the title of "General," by M'Kenzie, the person who is supposed to have been the principal instigator of the rebellion.

It is further sworn, that he was among the assemblage of persons present when Colonel Moodie was fired upon and murdered.

He accompanied M'Kenzie, and aided him in seizing upon and robbing the public mail, and in making prisoners of the passengers, and taking them with the driver, mail, stage, and horses, to the head-quarters of the rebels. Dr. Horne's house was burned in his presence, and from the time the insurgents first met at Montgomery's, until their dispersion by the loyalists, he appears to have been a prominent actor among them.

After the attack upon the rebels, he fled and endeavoured to make his escape to the United States; a reward was offered for his apprehension, and he was intercepted and arrested some time in the month of January last.

Peter Matthews is a native of the province, a yeoman, in affluent circumstances, and possessing very considerable influence among the people in his neighbourhood.

When it was announced that the insurgents had assembled at Montgomery's, it is sworn, that he collected about 50 followers, and marched at their head to join the rebels. On their way the party met the public stage, which was stopped by order of Matthews, and search was made for the mail-bags, which, however, having been despatched by a different conveyance, escaped seizure. The passengers were searched, and after one or two hour's detention, were permitted to proceed without further molestation.

On Thursday morning, shortly before the attack was made by the loyalists upon the insurgents, Matthews was directed by M'Kenzie to proceed with a party and enter the city by the Don Bridge, and to burn the bridge and the houses near to it. In obedience to these orders, he headed a band of rebels, who by his command set fire to the bridge and the houses; the former was partially burnt; the latter were wholly consumed, the principal building being the property of a widow lady in indigent circumstances residing in the city; and on their march several of the party, Matthews among the number, fired upon and killed a man of the name of Smith, who was at the time on horseback, and who does not appear to have been offering them any molestation.

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Sir George Arthur
to Lord Glenelg,
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Being checked in their attempt to enter the city, the party retreated, seizing upon the horses belonging to the public stage, which they met, to assist them in their flight.

It will be seen from the foregoing statement, that both Lount and Matthews were prominent and active leaders of the rebels; that they possessed much influence, which they employed in seducing their neighbours from their allegiance; and that each of them in attempting to attain their treasonable designs was directly implicated in the crimes of robbery, arson and murder.

With respect to the infliction of capital punishment on any of the offenders, I have already, by your Excellency's command, expressed my opinion in the presence of your Excellency in Council. I think public justice requires, and the peace of the country renders it necessary, that some of the most guilty offenders should be executed. I trust it will be found that the number may be reduced to a very few. With this feeling I considered it my duty to prosecute, in the first instance, the two convicts to whom this report refers, that the earliest opportunity might be afforded your Excellency to determine on the course that your Excellency might deem most just and expedient to pursue in a matter involving considerations of the deepest importance.

All which is respectfully submitted.

(signed) *Chr A. Hagerman,*
Attorney-general.

(No. 6.)

Executive Council Chamber at Toronto, Monday, 2 April 1838.

Present; His Excellency the Lieutenant-Governor, the Honourable Robert Baldwin Sullivan, the Honourable William Allan, the Honourable Augustus Baldwin, the Honourable John Elmsley.

29 March 1838.

2 April 1838.

His Excellency was pleased to direct the attention of the Council to the report of the Chief Justice on the cases of Samuel Lount and Peter Matthews. His Excellency further laid before the Council the report of the Attorney-general on the same cases, which was read in Council.

The Council have considered with great deliberation the despatch dated 30th January 1838, the copy of a despatch to Sir John Colborne, bearing date 6th January 1838, transmitted with the former despatch and referred to therein, and also the opinion delivered by the Chief Justice and the Attorney-general before the Council, with the report of the Attorney-general.

The Council have also considered attentively the minute of his Excellency; and with every disposition to recommend the extension of Royal clemency, so far as at all compatible with the public safety, feel bound respectfully to advise his Excellency not to interfere with the course of justice in favour of Samuel Lount and Peter Matthews.

The Council conceive that in advising this course they are not in any respect departing from the spirit of the despatch addressed to Sir John Colborne. The Council are of opinion that the cases in question are of great urgency, that severe public example is actually required in some instances, and that the crimes which these prisoners are shown to have aided, abetted and countenanced the committal of, in addition to the crime of high treason, point them out as particularly fit to be selected for capital punishment.

They are not the deluded followers of the instigators of treason, but on the contrary the leaders and instigators of others. Murders have been committed by the men under their immediate command, and houses have been burned by those amongst whom they held command; they appear to have been present aiding in the robbery of the public mail, and their conduct seems to have but too well justified the apprehensions entertained of the horrible consequences which would have attended a successful revolt.

The Council believing that the execution of the sentence of the law with promptitude will do much towards its beneficial operation, feel that they cannot consistently with their duty recommend the delay which must take place on a reference to Her Majesty.

The Council conceive that a reference to the Home Government, accompanied as it must necessarily be, with a strong recommendation that sentence should be executed, while it might raise false hopes of mercy in the minds of the unhappy convicts, could scarcely be said to add to the probability of an extension of mercy.

The Council therefore, without entering into the consideration of the course to be pursued towards the prisoners generally, feeling no doubt or hesitation regarding the cases of the prisoners Samuel Lount and Peter Matthews, respectfully advise his Excellency to let the law take its course upon them.

Upon which his Excellency stating his concurrence in the opinion of the Council, it was ordered, that the sheriff of the home district be informed that his Excellency having advised with the Executive Council, feels it necessary to direct that the prisoners Samuel Lount and Peter Matthews be informed that there is no intention of staying the execution of the sentences passed upon them.

And also that the Chief Justice be informed to the same effect.

The list of prisoners ordered for trial under the Order in Council of the 19th March last being considered, by the advice of the Council, the Lieutenant-governor ordered, that the same be revised, and that the following names be struck out of the said list, in case they

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they have petitioned, or shall petition, under the Act of the provincial Parliament passed in the last session, intituled, "An Act to enable the Government of this Province to extend a conditional Pardon in certain cases to Persons who have been concerned in the late Insurrection:" that is to say,

Randal Wixon,
Jay Codey,
John Devins,
Michael Sheppard,

Solomon Sly,
Leonard Watson,
Stephen B. Brophy,
Walter Chase.

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to Lord Glenelg,
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But that in case the above named persons have not petitioned, or shall not petition, under the Act, the trial of such person or persons respectively shall proceed in due course of law.

And further, that the Attorney-general be furnished with a copy of this order, for his direction and guidance.

(No. 7.)

Executive Council Chamber, Toronto, Tuesday, 3 April 1838.

Present; His Excellency the Lieutenant-Governor, the Honourable Robert Baldwin Sullivan, the Honourable William Allan, the Honourable Augustus Baldwin, the Honourable John Elmsley.

His Excellency was pleased to lay before the Council the despatch of his Excellency Sir Francis Bond Head, dated 19th December 1837, and to request the consideration of the Council to this document, in connexion with the despatches laid before the Council on the 24th March last.

No. 132.

His Excellency was pleased to ask the advise of the Council as to the course to be taken towards the prisoners.

The opinion of the Council was as follows:

1. That of the persons now in the power of the Government, capital punishments should be confined to as few cases as possible.

2. That severe secondary punishment should be limited to the cases of leaders and instigators amongst the rebels, and to persons guilty of outrage independently of rebellion.

3. That amongst the persons concerned in the late revolt, the Council conceives, that according to the despatch of Sir Francis Bond Head, and the answer thereto, before the Council, those who can be brought under the denomination of followers, that is to say, who have held no command, who have not been active in seducing others, and who have not been guilty of crime or outrage, independently of the crime of treason, even if they should be proved to have been found in arms, and to have fought against Her Majesty's troops, are proper to be recommended for the mercy of the Crown.

And that all those who are implicated in a lesser degree, should be objects of a like recommendation.

The Council are of opinion that it is highly desirable that proceedings should for the present, as far as practicable, be stayed against the above classes.

The Council are aware that this merciful course cannot now be conveniently adopted towards any individuals who have not petitioned under the Act of Parliament, and also of the necessity of proceeding to trial with those who are actually in custody, if they do not petition.

But the Council hope that it will be considered proper to direct the Attorney-general to stay proceedings against all who may fall within the above classification, at present on bail, or not yet arrested, until Her Majesty's pleasure be known.

It may be right for this interference not to extend further than the not preferring indictment until after a presentment by the grand jury, when proceedings can be formally stayed by the Attorney-general.

The Council would respectfully desire a case to be prepared for the opinion of the Judges of the Court of King's Bench on the point as to whether the above course can or cannot be legally and properly pursued by the Government.

His Excellency having withdrawn, the following report was drawn up and adopted.

(No. 8.)

Executive Council Chamber at Toronto, Tuesday, 3 April 1838.

Present; The Honourable Robert Baldwin Sullivan, Presiding Councillor, the Honourable William Allan, the Honourable Augustus Baldwin, the Honourable John Elmsley.

To His Excellency Sir George Arthur, K. C. H., Lieutenant-Governor of the Province of Upper Canada, and Major-General commanding Her Majesty's Forces therein, &c. &c. &c.

May it please Your Excellency,

THE Executive Council having had under its anxious consideration the course to be adopted by this Government as regards the unhappy criminals engaged in the late revolt;

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Your

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Sir George Arthur
to Lord Glenelg,
14 April 1838.

Encl. in No. 3.

Your Excellency, in referring this important matter to the Council, was pleased to direct its attention to certain documents which the Council respectfully proceeds to enumerate.

1. An Act of the provincial Parliament passed in the last session, intituled, "An Act to enable the Government of this Province to extend a conditional Pardon in certain Cases to Persons who have been concerned in the late Insurrection."

2. A despatch received by your Excellency from the Right Honourable the Secretary of State for the Colonies, answering a despatch of his Excellency Sir Francis Bond Head, of the 19th December 1837, and on the subject of the anticipated proceedings against persons implicated in the rebellion.

3. A copy of a despatch addressed by Lord Glenelg to his Excellency Sir John Colborne on the same subject, as related to the province of Lower Canada.

4. The despatch of Sir Francis Bond Head of the 19th December 1837.

5. A proclamation issued by authority of his Excellency transmitted with the despatch.

The Council observe that in the despatch of Sir Francis Head of the 19th December 1837, his Excellency, after describing at length the progress of the insurrection, and the persons engaged in it, and after having taken important distinctions between the guilt of the instigators and leaders of the rebellion and their deluded followers, mentions the fact of his having, on the 5th December 1837, and on the occasion of the dispersion of the rebels by Her Majesty's militia, extended the Royal mercy to most of the prisoners taken on the field, by dismissing them to their homes.

The proclamation of his Excellency, which it is believed was written previously to the collision at Montgomery's, and which was distributed during the same day, takes the same distinction, and even goes so far as to name certain leaders who were to be considered at all events as excluded from the benefits of the proclamation.

The distinction thus drawn between the leaders and their followers is fully approved of in his Lordship's despatch, and the Council consider that the exercise of the Royal clemency by his Excellency the late Lieutenant-governor is recognized and adopted thereby.

The Council are of opinion, that had it occurred to his Lordship that the power of extending the Royal clemency to traitors taken in arms, transcended the authority given to the Lieutenant-governor by his instructions, the instructions would have been referred to, and the act of clemency more formally sanctioned by his Lordship.

The Council nevertheless see in his Lordship's despatch an expression of the wish of Her Majesty's Government, that the mercy of the Crown should be extended to all but the leaders and instigators of the revolt, even to the extent of dismissing to their homes persons taken in the act of fighting against Her Majesty's forces.

The Council are therefore led to the conclusion, that amongst the rebels, those who can be brought under the denomination of "followers," who have held no command, who have not been active in seducing others, and who are not personally implicated in crime or outrage independently of the crime of treason, even if they should be proved to have fought against Her Majesty's troops, come within the meaning of the distinction taken by his Excellency Sir Francis Bond Head, approved of and sanctioned by Her Majesty's Government, and that persons implicated in a lesser degree would of course have the benefit of the same distinction.

The Council respectfully conceive that the approval of Her Majesty's Government to the act of the Lieutenant-Governor in dismissing to their homes the objects of his clemency, implies an intention that they should remain there unmolested by further prosecutions.

The Council here advert to the proceedings before the Commission of Inquiry instituted by the late Lieutenant-Governor, and to the fact that the commissioners discharged a great number of those brought before them, against whom the crime of high treason, in a mitigated degree, was established in many instances by their own confessions, and in others by evidence fully entitled to credit.

The powers of the commissioners to bail persons brought before them not being greater than those of ordinary justices of the peace, it is plain the commissioners transcended their authority, but in this the Council respectfully conceive the commissioners were justified from the necessity of the case, and in consideration of the proclamation of the Lieutenant-Governor.

The Council would also advert to the fact, that many persons indicted at the special session have actually petitioned under the above-mentioned Act, praying for the conditional pardon which it authorizes, and thereby subjecting themselves to confiscation of property and other disadvantages which the Act does not authorize to be remitted.

The Council would respectfully express its desire that the apparent intentions of Government in the forbearance to prosecute the above-mentioned class of persons should be carried into effect.

The Council would have had much difficulty in drawing the line of distinction between the cases which ought to be prosecuted, and others, were it not that Her Majesty's Government seems to have almost marked out the extent to which these prosecutions should take place.

The Council consider, on the one hand, that an appearance of unusual severity in the prosecution of great numbers of the rebels, in proportion to the whole numbers engaged in the revolt, would be injurious to the character of this government for clemency and for-
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Sir George Arthur
to Lord Glenelg,
14 April 1838.

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bearance, while such extensive prosecutions are not absolutely necessary for example and the ends of justice.

The Council, on the other hand, desire as little as possible to interfere with the ordinary course of judicial proceedings.

The Council, moreover, see many objections to an interference with the cases of those in custody, even if they should be found to come within the distinction approved of by Government, that is to say, so far as relates to a stay of proceedings against any of them, from the fact, that those who have petitioned under the Act are exposed to many of the penalties of high treason, while those who have not complied with that law would, in case of a stay of proceedings, go free of these penalties.

The Council, therefore, see the necessity of allowing the law to take its course, so far as trial and conviction of those in custody who have not petitioned, deferring the merciful action of the Government till after the passing of sentence.

But as to those who have been admitted to bail by the commissioners, or who have not been yet arrested, and who come within the distinction above mentioned, the Council would gladly, if it can be legally and properly done, wish a stay of proceedings until Her Majesty's pleasure be known.

The only manner in which this can be accomplished, within the knowledge of the Council, is by a direction to the Attorney-general not to prefer indictments against any person not in custody who shall, in his opinion, come within the distinction above mentioned, or who shall be adjudged by the Government as coming within the same, upon investigation of the cases; and that if the grand jury should make presentment in any such case, that the same be reported; and that, if your Excellency should see fit, a stay of proceedings be ordered until Her Majesty's pleasure be known.

The Council, feeling that great responsibility will be thrown on your Excellency should this course be pursued, humbly advise your Excellency to request the opinion of the Honourable the Chief Justice, and the other Judges of Her Majesty's Court of Queen's Bench, as to its legality and propriety.

And further, if the Honourable Chief Justice and his fellow Judges should see no objection, the Council would feel great satisfaction if the documents above referred to were submitted to their inspection, or so much thereof as relate to the questions under consideration, and if the Honourable Judges would express their views of the interpretation to be placed thereon, and the intentions of Her Majesty's Government, as the same may appear to be ascertainable from a perusal and consideration of the despatch of the Right Honourable the Secretary of State to your Excellency.

All which is humbly submitted.

(signed) *R. B. Sullivan, P. C.*

A true copy.

(signed) *John Beikie, Clerk Executive Council.*

(No. 9.)

Sir,

Government House, 4 April 1838.

I AM commanded by his Excellency the Lieutenant-Governor to transmit to you a copy of a Minute in Council, together with the various documents on which that Minute was framed, detailing the course which the Council conceive it desirable his Excellency should pursue with respect to the individuals implicated in the late revolt; and I am directed to request the opinion of yourself, and the other Judges, concerning the legality of the measures which the Council have recommended to his Excellency's adoption; and should you not concur in the recommendation of the Council, I am desired to request you to favour his Excellency with your joint advice concerning any other course which it may be desirable his Excellency should adopt.

The Honourable the Chief Justice,
&c. &c. &c.

I have, &c.
(signed) *J. Joseph.*

(No. 10.)

Toronto, 6 April 1838.

May it please Your Excellency,

THE Judges have perused and considered the Minute of Council of the 3d April 1838, respecting the course to be adopted by the Government, as regards the unhappy criminals engaged in the late revolt, and also the documents which accompanied the Minute, and they see no legal objection to the exercise of such a control by the Attorney-general, under the direction of your Excellency, as may be necessary for carrying into effect the lenient course suggested in the Minute of the Council.

We have, &c.

(signed) *John B. Robinson, C. J.*
J. B. Macaulay, J.
J. Jones, J.
A. M'Lean, J.

(No. 11.)

UPPER
CANADA.

EXTRACT from the MINUTES.

Sir George Arthur
to Lord Glenelg,
14 April 1838.

Executive Council Chamber, Toronto, Monday, 9 April 1838.

Encl. in No. 3.

Present; His Excellency the Lieutenant-Governor, the Honourable Robert Baldwin Sullivan, the Honourable William Allan, the Honourable Augustus Baldwin, the Honourable John Elmsley.

HIS Excellency was pleased to lay before the Council the petition of Isaac Webb and 3,289 others, praying that a pardon may be extended to Samuel Lount, a prisoner in the home district gaol, under sentence of death, for the crime of high treason.

Also, a petition from Ann Henderson and 787 others, to the same purpose, in favour of the same.

Also, a petition from Jacob Gill and 74 others, to the same purpose, in favour of the same.

Also, a petition from James M'Kay and 66 others, to the same purpose, in favour of the same.

Also, a petition from John B. Warren and 156 others, to the same purpose, in favour of Peter Matthews.

Also, a petition from Samuel Bentley and 196 others, to the same purpose, in favour of the said Peter Matthews.

Also petitions from the prisoners Samuel Lount and Peter Matthews for pardon.

The Council having considered the same, the following minute was endorsed on the petitions of the prisoners, and received the assent of his Excellency, and the answer immediately following was directed to be transmitted to the petitioners.

"The Executive Council feel it to be their imperative, but painful duty, to adhere to their former advice to your Excellency, which they now respectfully reiterate, by saying that they cannot recommend to your Excellency any interference with the sentence of the law passed upon the prisoners Samuel Lount and Peter Matthews."

The Lieutenant-Governor, with the assistance of the Executive Council, has taken into his most deliberate consideration the cases of the unfortunate prisoners, Samuel Lount and Peter Matthews, now under sentence of death for high treason, with a sincere desire to discover any reason or fact which would justify him in acceding to the prayers of the humane petitions in behalf of these unhappy men. The Lieutenant-Governor is compelled to say that he cannot, consistently with his duty to the public, or with a view to the safety of the province, interfere, in favour of either of the prisoners, with the sentence of the law passed upon them respectively.

The Lieutenant-Governor in Council having considered the report of the Honourable Mr. Justice Macaulay on the proceedings of the special commission of oyer and terminer held at Hamilton, in the Gore district, and the report of the Solicitor-general on the same subject, particularly with reference to the cases of Horatio Hills, Stephen Smith, Nathan Town, Charles P. Walrath, Peter Malcolm, Ephraim Cook, and John Tufford, under sentence of death for high treason, and also the cases of William Webb and John Hammill, against whom sentence of death has been recorded, the Council feel great hesitation in advising your Excellency that no capital punishment should be inflicted in the Gore district, as the policy of making some example to that extent is not easily controverted; but as it appears that none of the principal leaders have been secured, and that no outrages of importance, independent of the crime of rising in rebellion, were committed in the course of the revolt in that district, the Council desire to make a distinction between the cases, even of the most guilty of the prisoners now under consideration, and those in the home district, in which the Council felt under the necessity of leaving the law to take its course.

In the anticipation, therefore, that the most severe secondary penalty will be inflicted on Peter Malcolm and Horatio Hills, and in the hope that the avoiding of having recourse to capital punishment except where the same appears indispensably necessary, the Council consider that a respite may properly be sent for all the prisoners under sentence at the Gore district.

And it was ordered that a respite be sent for the said prisoners until the pleasure of Her Majesty be known.

The Council respectfully recommend that if the said should appear to the Attorney-general to be a legal course, that the prisoners Peter Malcolm and Horatio Hills be removed to the town of Kingston, in the midland district, there to remain in custody to await the decision of Her Majesty, and that Her Majesty be advised to commute the sentence of death into transportation for life, if it be Her Majesty's pleasure.

HIS Excellency was pleased to call the attention of the Council to the cases of prisoners convicted of high treason in the home district, and to those who have petitioned under the Act of Parliament, intituled, "An Act to enable the Government of this Province to extend a conditional Pardon, in certain cases, to Persons who have been concerned in the late Insurrection."

And it was, with his Excellency's assent, resolved that these cases be referred to the Commission of Inquiry for a report on each case, classifying the measure of guilt of each, as it shall appear to the Commissioners most likely to convey the required information to the Lieutenant-Governor in Council.

(signed) G. A.

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— No. 4. —

UPPER
CANADA.

EXTRACT of a DESPATCH from Major-General Sir *George Arthur* to
Lord *Glenelg*, dated Upper Canada, Toronto, 23 April 1838.

Sir George Arthur
to Lord Glenelg,
23 April 1838.

THE Chief Justice having suggested to me some "remarks upon certain Acts passed during the last Session of the Legislature in Upper Canada, in consequence of the insurrection," I have the honour to inclose a copy of them, for your Lordship's information.

Enclosure in No. 4.

REMARKS upon certain Acts passed during the last Session of the Legislature in Upper Canada, in consequence of the insurrection. Encl. in No. 4.

Chapter I. An Act authorizing the suspension of the remedy by Habeas Corpus.

This Act is similar to one passed in this province in 1814, during the war with the United States of America, and follows closely the form of enactments in the British statute, both for the same purpose.

I am not aware that any commitment has been made under it.

Chapter II. An Act to provide for the more effectual and impartial Trial of Persons charged with Treason and Treasonable Practices committed in this Province.

This Act is also similar to one passed in this province in 1814 for the same purpose. The trials in England after the rebellion in 1745 took place under an enactment of the same kind.

Chapter III. An Act to protect the Inhabitants of this Province against lawless aggressions from Subjects of foreign Countries at peace with Her Majesty.

This statute was passed under very peculiar circumstances. The Legislature met on the 28th December; some days before, five or six hundred persons, principally Americans, and under an American leader, had taken forcible possession of Navy Island in the river Niagara, and in conjunction with some fugitive rebels from this province, had proclaimed a provisional government, and invited the people of Upper Canada to join their standard. There was much reason to fear, from the extraordinary excitement prevailing along the American frontier, that great numbers would join this piratical army; there was no military force in the province, and it was uncertain for some time whether any soldiers could be spared from Lower Canada. Under these circumstances, the consequence to be apprehended was, that many disaffected inhabitants of this province might be encouraged to hope that a revolution could be effected by the aid of this force from the United States, and might venture to join the army of brigands, and thus give a formidable appearance to the Navy Island camp. The Legislature thought it necessary to act promptly in this emergency; their intention was to deter the people of Canada from uniting themselves to these foreign invaders, by subjecting them to trial by court-martial, instead of trying them as traitors in the common law courts, thus holding out to them the prospect of more certain and prompt punishment.

And, on the other hand, it was thought it might have a salutary effect in repressing the eagerness of American citizens to join in this warfare, if they were placed upon the same footing in respect to trial and punishment, as the rebels with whom they might be associated. It is true that these American citizens were liable to be even more summarily dealt with, for no principle of law would be violated by punishing them capitally, without any form of trial; but this was not likely to be done; they were not liable either to be dealt with as traitors, and it was thought they would be most effectually deterred by providing this certain and summary method of trial for their offence.

The effect of the Act is, that foreigners may either be tried under it by a militia general court-martial, or before the ordinary criminal court, as for a felony.

In the latter case, death is the only punishment, because it is wholly unusual to vest a discretionary power over life in the judges of a common law court; but in giving that discretionary power in case of trial by court-martial, a precedent was followed which is common in such cases, and there seems to be very obvious reasons for this difference.

With respect to British subjects offending against the Act, the alternative of course is, that they may either be proceeded against before a court-martial under this Act, or be prosecuted in the ordinary manner for high treason.

The Act may be thought one of questionable propriety as it applies to foreigners, but it will be found salutary, if it can be suffered to remain in force. Immediate execution on the spot, without the sentence of some tribunal, is not apprehended by these lawless foreigners, because they persuade themselves it will not be resorted to by any officer in command on the frontier; and indeed it would be an unpleasant responsibility for any subordinate officer to assume. This provision extends the prompt punishment of a military court, where it is much required, while, at the same time, the ordinary law of the land is left in force for all other purposes. If it be thought objectionable to suffer this law to continue, then it is to be hoped that Her Majesty's Government will convey positive instructions as to the course to be taken with foreigners guilty of these aggressions, that there may be no doubt or hesitation on the subject.

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Sir George Arthur
to Lord Glenelg,
23 April 1838.

Encl. in No. 4.

Chapter IX. An Act for the more speedy Attainder of Persons indicted for High Treason.

This is intended to supply the place of the process of outlawry, which is dilatory and troublesome, without affording the same certainty of notice to the defendant; there have been many such statutes passed.

Chapter X. An Act for extending conditional Pardon to Persons accused of Treason.

When this Act was passed, there were probably not less than 300 or 400 persons in close custody, charged with high treason. If they were tried and convicted, the Lieutenant-Governor had not, by his commission, the power to pardon them, because he is expressly restrained in cases of treason. Thus an immense number of trials would probably be followed by the necessity of keeping this great body of prisoners in gaol during the next summer, until the reference could be made to England, occasioning a vast inconvenience and expense in guarding them, continuing in a great measure the uneasy state of excitement produced by the insurrection, and subjecting to the danger of disease and death, and the certainty of much suffering, many unhappy persons whom the Government would doubtless consent to pardon, and, in some cases on very favourable terms. The restriction imposed upon the Lieutenant-Governor applied only in strictness when the defendant was tried and convicted; the Attorney-general might always exercise a discretion in forbearing to prosecute, and, under the peculiar circumstances, the Legislature thought it expedient to afford to the Lieutenant-Governor, if he chose to avail himself of it, the sanction of their authority for interposing with an extension of pardon, before conviction, which would not in literal terms contravene his instructions, and which, it was assumed, Her Majesty would not disapprove of, under the unforeseen circumstances in which the province was placed. Reference was had to the course taken after the Irish rebellion of 1798.

The Act has proved most beneficial in its consequences; a great majority of the prisoners having been taken in arms, have freely confessed their guilt, and thrown themselves upon the mercy of the Government, and these can now be spared on such terms as may be thought proper. A small number only have been left for trial; such prisoners as the Lieutenant-Governor and Council did not think it just to pardon, or such as preferred taking their trial, from the nature of the evidence in their respective cases being perhaps less direct and conclusive, and affording a hope of acquittal.

Chapter XI. An Act to prevent the unlawful training with arms, &c.

This is chiefly taken from an Act passed in England a few years ago; the main difference is, that those clauses which prohibit the training with arms without public authority are not limited in duration, as in England, but are made perpetual, though other powers given by the bill are conferred only temporarily, and will expire unless renewed. It was thought unwise to make the prohibition of unlawful trainings temporary; when the Act expired it would be contended that the training with fire-arms was no longer an offence, since it had been thought necessary to make it such by statute. And it might happen that it might expire at a time when it might be most wanted, but when, from the state of things, it would be difficult to obtain a renewal of so reasonable and salutary a law.

Chapter XII. This indemnity Act resembles statutes passed for the same purpose on different occasions in England.

Chapter XIII. There will be but two or three claims of the kind referred to in this statute.

— No. 5. —

COPY of a DESPATCH from Major-General Sir *George Arthur* to Lord *Glenelg*.

Sir George Arthur
to Lord Glenelg,
5 May 1838.

My Lord,

Upper Canada, Toronto, 5 May 1838.

I HAVE had the honour to receive your Lordship's despatch, dated the 14th of March last, in which your Lordship states that representations have reached the Colonial Office from various quarters, that during the late session of the Legislature of Upper Canada, measures of unusual severity and of extensive application had been proposed against those who had been in any way implicated in the late insurrection; and your Lordship informs me that it will be with anxiety that you await my report of the proceedings of the Legislature during their late session.

2. On the close of a session of the Provincial Parliament, it becomes the duty of the provincial secretary to proceed with all practicable dispatch to transcribe the Bills which may have been enacted; and in consequence of the anxiety expressed in your Lordship's despatch, I have directed that officer to furnish me as speedily as may be with the authentic copies which he is preparing. In the meantime I have transmitted to the Attorney-general a copy of such of these Acts as have been printed and published by the Queen's printer; and have requested him to make his abstract and report on them as soon as the state trials which are now proceeding,

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proceeding, and which engross the whole of his time, shall admit of his devoting his attention to that subject.

3. I trust, however, that the remarks of the Chief Justice, on certain Acts passed during the late session, and which became necessary in consequence of the recent insurrection (transmitted in my despatch of the 23d ultimo), will have supplied the information which your Lordship requires.

4. Your Lordship will be apprised, by my recent communications, that it has been my earnest endeavour to allay irritation, and in commuting the sentences of the prisoners convicted of high treason, to pursue as lenient a course as the state of the province would justify.

I have, &c.

(signed) *Geo. Arthur.*

Sir George Arthur
to Lord Glenelg,
5 May 1838.

—No. 6.—

COPIES of the several ACTS of the Legislature of *Upper Canada* passed in the last Session for the Preservation of the Peace, and for the Trial of Persons charged with Insurrection and Revolt against the Government of the Province.

Acts of Legislature
of Upper Canada
passed in last
session.

N. B.—As printed copies only of these Acts have been received, and not the Transcripts under the Public Seal of the Province, it has been impossible yet to submit them for the consideration of Her Majesty in Council.

- Cap. I.—An Act to authorize the Apprehending and Detention of Persons suspected of High Treason, Misprision of Treason and Treasonable Practices; passed 12 January 1838 - - - - - p. 21
- Cap. II.—An Act to provide for the more effectual and impartial Trial of Persons charged with Treason and Treasonable Practices committed in this Province; passed 12 January 1838 - - - - - p. 22
- Cap. III.—An Act to protect the Inhabitants of this Province against Lawless Aggressions from Subjects of Foreign Countries at peace with Her Majesty; passed 12 January 1838 p. 23
- Cap. IX.—An Act to provide for the more speedy Attainder of Persons indicted for High Treason, who have fled from this Province, or remained concealed therein, to escape from Justice; passed 6 March 1838 - - - - - p. 24
- Cap. X.—An Act to enable the Government of this Province to extend a Conditional Pardon in certain cases to persons who have been concerned in the late insurrection; passed 6 March 1838 - - - - - p. 25
- Cap. XI.—An Act to prevent the unlawful Training of Persons to the use of Arms, and to practise Military Evolutions and Exercises; and to authorize Justices of the Peace to seize and detain Arms collected or kept for purposes dangerous to the public peace; passed 6 March 1838 - - - - - p. 25
- Cap. XII.—An Act to indemnify Persons, who since the 2d December 1837 have acted in apprehending, imprisoning or detaining in custody Persons suspected of High Treason or Treasonable Practices, and in the suppression of unlawful Assemblies, and for other purposes therein mentioned; passed 6 March 1838 - - - - - p. 27
- Cap. XIII.—An Act to authorize the Appointment of Commissioners to investigate the Claims of certain Inhabitants of this Province, for Losses sustained during the late unnatural Rebellion; passed 6 March 1838 - - - - - p. 28

CAP. I.

AN ACT to authorize the Apprehending and Detention of Persons suspected of High Treason, Misprision of Treason and Treasonable Practices.—(Passed 12 January 1838.)

No. 1085.

WHEREAS a traitorous conspiracy hath been formed, for the purpose of overthrowing by means of insurrection the government, laws and constitution of this province and the happy connexion thereof with the mother country; and whereas designs and practices of a treasonable and highly dangerous nature are now carrying on in some parts of this province: therefore, for the better preservation of the peace, laws and liberties of this province, be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to Repeal certain parts of an Act passed in the fourteenth

Preamble

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Persons in prison at or after passing this Act under warrant of Governor in Council, upon charge of high treason, suspicion of high treason, or treasonable practices, may be detained without bail, and not to be tried without an order from Governor in Council.

After Act expires persons committed to have advantage of laws relating to liberty of subject.

Not to interfere with rights and privileges of Members of Assembly, and during sitting of Legislature, charges against members to be communicated to the house of which accused

Accused persons to be confined by order of Governor in Council to any gaol of the Province.

Right to be tried in place where offence committed, and to be bailed, not taken away.

Restrictions relative to the granting the writ of habeas corpus.

Limitation of Act.

teenth year of His Majesty's reign, intituled, ' An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,' " and by the authority of the same, that all or any person or persons that are or shall be in prison in this province at or upon the day on which this Act shall receive the Royal assent, or after, by warrant of the Lieutenant-governor of this province in Council, for high treason, suspicion of high treason, or treasonable practices, may be detained in safe custody, without bail or mainprize, during the continuance of this Act, and that no judge or justice of the peace shall during such continuance bail or try any such person or persons so committed without an order from the Lieutenant-governor of this province in Council, any law or statute to the contrary notwithstanding : provided always, that nothing in this Act contained shall extend or be construed to extend to any seditious language or other act of sedition only uttered, spoken, committed, or done before the first day of December last past.

II. Provided always, and be it further enacted by the authority aforesaid, that from and after the expiration of this Act the said persons so committed shall have the benefit and advantage of all laws and statutes in any way relating to or providing for the liberty of the subjects of this province.

III. Provided always, and be it further enacted by the authority aforesaid, that nothing in this Act contained shall be construed to extend to invalidate the rights and privileges of this provincial parliament, or to the imprisonment or detaining of any member of either house of the legislature thereof, during the sitting of the same, until the matter of which he stands suspected be communicated to the house of which he is a member, and the consent of the said house be obtained for his commitment or detaining.

IV. And be it further enacted by the authority aforesaid, that it shall and may be lawful for the Lieutenant-governor of this province, as he shall see occasion, by and with the advice of the Executive Council, to order any person committed to any gaol on any charge of high treason, suspicion of high treason, or treasonable practices, either before or after indictment found, to be conveyed or detained in any other gaol or other prison or safe place of confinement until discharged by due course of law, and to issue all warrants necessary for such purposes: provided always, nevertheless, that no person who shall be removed by any such warrant as aforesaid shall by means of such removal be deprived of such right to be tried or discharged as such person would by law have been entitled to if not so removed; and in any case in which any such person would have been entitled to have been tried or discharged if such person had continued in the gaol or prison to which such person was before committed, it shall and may be lawful for such person to apply to be bailed or discharged, in the same manner as such person might have done if he had remained in the gaol or prison to which such person was before committed as aforesaid.

V. And be it further enacted by the authority aforesaid, that for and during the continuance of this Act, in all and every case in which application shall be made for Her Majesty's writ of habeas corpus to any court or courts, judge or judges, within this province, by any person or persons who are or shall be in prison within this province, at or upon the day on which this Act shall receive the Royal assent, or afterwards, charged by any public authority with high treason, misprision of high treason, or treasonable practices, such writ of habeas corpus, if allowed, shall not be made returnable in less than 30 days from the time of its being allowed ; and in all and every such case and cases it shall be the duty of such court, or judge or judges, and of each and every of them, and they are hereby required, when and so soon as such application for such writ of habeas corpus shall to them be respectively made, to give notice and information thereof in writing, together with copies of such application, and of the affidavit or affidavits, or other paper writing on which such application shall be founded, to the Governor, Lieutenant-governor, or person administering the government for the time being.

VI. And be it further enacted by the authority aforesaid, that this Act shall be and continue in force to the end of the next Session of Parliament, and no longer.

CAP. II.

No. 1086. AN ACT to provide for the more effectual and impartial Trial of Persons charged with Treason and Treasonable Practices committed in this Province.—(Passed 12 January 1838.)

Preamble. FOR the more impartial and effectual trial and punishment of all offences of high treason and treasonable practices committed in this province, and for taking away hopes of impunity from persons guilty of crimes so dangerous to Her Majesty's Government ; be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, " An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, ' An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,' " and by the authority of the same, that

Trials for high treason, misprision of

from and after the passing of this Act, all offences of high treason, and misprision of high treason, and of treasonable practices, already committed or to be committed within this province, may be inquired of, heard, tried and determined in the Court of Queen's Bench within the same, in the district where that Court shall sit, or before such justices of oyer and terminer and gaol delivery within such district of this province as shall be assigned by the Lieutenant-governor of this province, by commission under the great seal, in like manner and form, and to all intents and purposes, as if such offences had been done or committed in the same district where they shall be so inquired of, heard, and determined as aforesaid.

high treason and treasonable practices, may be tried in the Court of Queen's Bench, when that Court shall sit, or before justices of gaol delivery in such district as shall be assigned by Governor.

II. And be it further enacted by the authority aforesaid, that all inquiries and trials for high treason, or misprision of high treason, or treasonable practices committed or to be committed in the said province, may be had by good and lawful men of the district where the said Court of Queen's Bench shall sit, or of the district where the said justices of oyer and terminer and gaol delivery shall execute their said commissions, by virtue of the provisions of this Act, and that no challenge to jurors for not being of the district where the offence was committed shall be allowed.

Jury to be summoned from district where Court of Queen's Bench sits, or where commission of gaol delivery shall be executed.

III. And be it further enacted by the authority aforesaid, that Her Majesty's Chief Justice of the said province, and the Justices of the Court of Queen's Bench therein, shall be named and assigned justices in every such commission, whereof one to be of the quorum.

Chief Justice and Judges of Queen's Bench to be assigned in commission of gaol delivery, and one to be of the quorum.

IV. Provided always, and be it further enacted by the authority aforesaid, that all persons convicted or attainted of high treason, or misprision of high treason, or treasonable practices, pursuant to this Act, shall be subject and liable to the same corruption of blood, pains, penalties, and forfeitures, as persons convicted and attainted of high treason or treasonable practices in the same district where such offences have been committed.

Corruption of blood, &c. to follow attainder of persons convicted of high treason in any district appointed for trial.

V. And be it further enacted by the authority aforesaid, that this Act shall be and continue in force until the 1st day of January next, and from thence until the end of the next ensuing Session of Parliament.

Limitation of Act.

CAP. III.

AN ACT to protect the Inhabitants of this Province against Lawless Aggressions from Subjects of Foreign Countries at peace with Her Majesty.—(Passed 12 January 1838.)

No. 1087.

WHEREAS a number of persons lately inhabiting the State of New York, or some one of the other United States of America, have within the said State of New York lately enlisted or engaged themselves to serve as soldiers, or have procured others to enlist or engage themselves to serve as soldiers, and have within the said State of New York collected artillery, arms, and ammunition, and made other preparations for a hostile invasion of this province, under the pretext of assisting certain traitors who have fled from this province to the said United States; and whereas the said persons, without the authority of their government and in defiance of its express injunctions, have actually invaded this province contrary to the faith and obligations of the treaties subsisting between the United Kingdom of Great Britain and Ireland and the said United States, and during the continuance of the relations of amity and peace between the two countries; and whereas it is necessary for protecting the peace and security of this province to provide for the prompt punishment of persons so offending: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, that if any person being a citizen or subject of any foreign state or country at peace with the United Kingdom of Great Britain and Ireland, having joined himself before or after the passing of this Act to any subjects of our Sovereign Lady the Queen, her heirs or successors, shall after the passing of this Act be or continue in arms against Her Majesty, her heirs or successors, within this province, or commit any act of hostility therein, then it shall and may be lawful for the Governor of this province to order the assembling of a militia general court-martial for the trial of such person, agreeably to the militia laws of this province, and upon being found guilty by such court-martial of offending against this Act, such person shall be sentenced by such court-martial to suffer death or such other punishment as shall be awarded by the court.

Preamble.

Persons being citizens or subjects of a foreign power taken in arms in this province may in certain cases be tried by court-martial;

and upon conviction be sentenced to death.

II. And be it further enacted by the authority aforesaid, that if any subject of Her Majesty, her heirs or successors, shall within this province levy war against Her Majesty, her heirs or successors, in company with any of the citizens or subjects of any foreign state or country then being at peace with the United Kingdom of Great Britain and Ireland, and offending against the provisions of this Act, then such subject of Her Majesty, her heirs or successors, shall be liable to be tried and punished by a militia general court-martial, in

Subjects of Her Majesty may be in like manner tried and punished by court-martial.

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Citizens or subjects of foreign countries offending against this Act, may be tried before court of oyer and terminer.

like manner as any citizen or subject of a foreign state or country at peace with Her Majesty, her heirs or successors, is liable under this Act to be tried and punished.

III. And be it further enacted by the authority aforesaid, that the citizen or subject of any foreign state or country offending against the provisions of this Act shall be deemed guilty of felony, and may notwithstanding the provisions hereinbefore contained, be prosecuted and tried before any court of oyer and terminer, and general gaol delivery in and for any district of this province, in the same manner as if the offence had been committed in such district, and upon conviction shall suffer death as in cases of felony.

CAP. IX.

No. 1093.

AN ACT to provide for the more speedy Attainder of Persons indicted for High Treason, who have fled from this Province, or remain concealed therein, to escape from Justice. (Passed 6 March 1838.)

Preamble.

Proceedings to be had against persons indicted for high treason, &c., against whom process shall have issued, and who may not be apprehended, and upon which the attainder of such persons shall be founded. Proclamation to issue, calling on person indicted to surrender himself, and in default to be adjudged attainted of the crime charged in the indictment.

WHEREAS a wicked and unnatural rebellion against Her Majesty hath been raised and carried on within this province; and whereas divers persons who were concerned in such rebellion have fled from this province, or remained concealed therein, in order to escape from justice; and whereas it is expedient and necessary to provide for the speedy attainder of such persons, in order to deter others from the like high crimes and offences: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, that from and after the passing of this Act, in case any indictment shall be found by a grand jury at and before any court of competent jurisdiction in this province, against any person or persons, for high treason, misprision of treason, or treasonable practices; and when the sheriff shall make return to any warrant or capias that may issue thereupon, that such persons, or any of them, is or are not to be found in his district, it shall and may be lawful for the Governor of this province, by and with the advice of the Executive Council, immediately upon the making of such return to issue a proclamation to be published not less than six weeks in the Upper Canada Gazette, calling upon and requiring the person or persons against whom any such indictment or indictments shall have been found, to surrender himself or themselves to the custody of the sheriff of the district within which the court before whom such indictment or indictments were found was held, by a day to be within the said proclamation named, such day not to be less than three calendar months from the first publication of such proclamation in the Gazette; and if such person or persons shall not by the day in such proclamation named, surrender themselves to the custody aforesaid, and submit to justice, then and in such case they and every of them, after the day in such proclamation named, shall stand and be adjudged attainted of the crime expressed and set forth in such indictment or indictments, and shall suffer and forfeit as a person attainted of such crime by the laws of the land ought to suffer and forfeit.

Justices of oyer and terminer to certify indictment and return of sheriff, that party has not been arrested into the Court of Queen's-Bench.

II. And be it further enacted by the authority aforesaid, that the justices of all and every court of oyer and terminer, and general gaol delivery, at which any such indictment shall be found as aforesaid, shall, upon the return of the sheriff that the person or persons named in such indictment is not to be found within the district of such sheriff, certify the said indictment, and the proceedings thereon, into the Court of Queen's Bench in this province; and it shall be the duty of every such sheriff, at the expiration of the term limited in such proclamation, to make a return to the said Court of Queen's Bench of the names of all and every such person or persons, who, being named in any such proclamation as aforesaid, shall not have surrendered themselves to the custody of the said sheriff, pursuant to the exigency of such proclamation, and the said Court of Queen's Bench shall, during the term in or before which such last-mentioned return shall be made, direct judgment of attainder against all and every such person or persons to be entered on record.

Person against whom judgment of attainder shall have been entered, may surrender himself within three months, and upon proof that such person was prevented from surrendering himself, the Court of Queen's Bench may reverse the attainder and admit party to be tried.

III. Provided always, and be it further enacted by the authority aforesaid, that if any person against whom any such judgment of attainder shall have been entered, shall, within three calendar months next after the day of entry of such judgment, surrender himself to the custody of the sheriff of the home district, and by the oath of two credible witnesses shall establish to the satisfaction of the Court of Queen's Bench, that such person was actually and *bonâ fide* prevented from surrendering himself pursuant to the exigency of such proclamation, by reason of absence beyond seas, sickness, or other inevitable necessity, then and in such case it shall and may be lawful for the said Court of Queen's Bench to reverse the said judgment of attainder, and to transmit the indictment or indictments to any court of oyer and terminer to be held in and for the district wherein such indictment or indictments was or were found; and such person so surrendering shall be tried for the offence charged in such indictment, in like manner as if no such judgment of attainder had been entered.

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CAP. X.

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AN ACT to enable the Government of this Province to extend a Conditional Pardon in certain cases to Persons who have been concerned in the late Insurrection—(Passed 6 March, 1838.) No. 1094.

Preamble.

WHEREAS there is reason to believe that among the persons concerned in the late treasonable insurrection in this province there were some to whom the lenity of the Government may not improperly be extended, on account of the artifices used by desperate and unprincipled persons to seduce them from their allegiance: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province,'" and by authority of the same, that upon the petition of any person charged with high treason committed in this province, preferred to the Lieutenant-governor before the arraignment of such person, and praying to be pardoned for his offence, it shall and may be lawful for the Lieutenant-governor of this province, by and with the advice and consent of the Executive Council thereof, to grant, if it shall seem fit, a pardon to such person, in Her Majesty's name, upon such terms and conditions as may appear proper; which pardon being granted under the great seal of this province, and reciting in substance the prayer of such petition, shall have the same effect as an attainer of the person therein named for the crime of high treason, so far as regards the forfeiture of his estate and property, real and personal: provided always, that in case a pardon shall not be granted upon any such petition, no evidence shall be given of any admission or statement therein contained upon any trial to be afterwards had.

Persons charged with high treason petitioning before arraignment to be pardoned, may receive a pardon, if Governor and Council see fit, on such conditions as may be prescribed.

Pardon granted under great seal, reciting petition, to have same effect as attainer of high treason, so far as regards forfeiture of estate, real and personal.

II. And be it further enacted by the authority aforesaid, that in case any person shall be pardoned under this Act, upon condition of being transported or of banishing himself from this province, either for life or for any term of years, such person, if he shall afterwards voluntarily return to this province without lawful excuse, contrary to the condition of his pardon, shall be deemed guilty of felony, and shall suffer death as in cases of felony.

Persons pardoned on condition of transportation or banishment, returning without lawful excuse, to suffer death.

III. And be it further enacted by the authority aforesaid, that the provisions of this Act shall not extend or be construed to extend to such persons as have fled and are still absent from this province under a charge of high treason, and for whose apprehension a reward has been offered.

This Act not to extend to persons who have fled, &c.

CAP. XI.

AN ACT to prevent the Unlawful Training of Persons to the Use of Arms, and to practise Military Evolutions and Exercises; and to authorize Justices of the Peace to seize and detain Arms collected or kept for purposes dangerous to the Public Peace.—(Passed 6 March 1838.) No. 1095.

Preamble.

WHEREAS in some parts of this province men clandestinely and unlawfully assembled have practised military training and exercising in arms, to the great terror and alarm of Her Majesty's loyal subjects, and the imminent danger of the public peace: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province,'" and by the authority of the same, that all meetings and assemblies of persons for the purpose of training or drilling themselves, or of being trained and drilled to the use of arms, or for the purpose of practising military exercises, movements or evolutions, without any lawful authority for so doing, shall be and the same are hereby prohibited as dangerous to the peace and security of Her Majesty's liege subjects, and of this province; and every person who shall be present at or attend any such meeting or assembling for the purpose of training and drilling any other person or persons to the use of arms, or to the practice of military exercise, movement or evolution, or who shall train and drill any other person or persons to the use of arms, or to the practice of military exercise, movement or evolution, or who shall aid or assist therein, being legally convicted thereof, shall be liable to be confined in the public penitentiary of this province, for any term not exceeding two years, or to be punished by fine and imprisonment in any of the common gaols in this province, for a period not exceeding two years, at the discretion of the court in which such conviction shall be had; and every person who shall attend or be present at any such meeting or assembly for the purpose of being, or who shall at any such meeting or assembly be trained or drilled to the use of arms, or the practice of military exercise, movements or evolutions, being legally convicted thereof, shall be liable to be punished

Meetings of persons for the purpose of being drilled to the use of arms prohibited.

Punishment of persons engaged in drilling, &c.

Punishment of persons present at such drilling, &c.

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punished by fine and imprisonment, not exceeding two years, at the discretion of the court in which such conviction shall be had.

Justices, &c. authorized to disperse unlawful meetings of persons, and justices empowered to commit offenders.

II. And be it further enacted, by the authority aforesaid, that it shall be lawful for any justice of the peace, or for any constable or peace officer, or for any person acting in their aid or assistance, to disperse any such unlawful meeting or assembly as aforesaid, and to arrest and detain any person present at, or aiding, assisting or abetting any such assembly or meeting as aforesaid; and it shall be lawful for the justice of the peace who shall arrest any such person, or before whom any person so arrested shall be brought, to commit such person for trial for such offence, under the provisions of this Act, unless such person can and shall give bail for his appearance at the next assizes to answer to any indictment which may be preferred against him for any such offence against this Act.

Act not to prevent prosecution by indictment, &c.

III. Provided always, and be it further enacted by the authority aforesaid, that nothing in this Act contained shall extend to prevent any prosecution by indictment or otherwise, for anything that shall be an offence within the intent and meaning of this Act, and which might have been so prosecuted if this Act had not been made, unless the offender shall have been prosecuted for such offence under this Act, and convicted or acquitted of such offence.

Justices of the peace authorized to seize and detain arms, &c. upon complaint on oath that such arms are in the possession of any one for purposes dangerous to the public peace.

IV. And whereas arms and weapons of various sorts have in some parts of this province been collected, and are kept for purposes dangerous to the public peace, and it is expedient that the justices of the peace should be authorized and empowered to seize and detain such arms and weapons; be it therefore enacted by the authority aforesaid, that it shall be lawful for any justice of the peace, upon information on oath of one or more credible witness or witnesses, that any pike, pike-head or spear is in possession of any person or persons, or in any house or place, or that any dirk, dagger, sword, pistol, gun, rifle, or other weapon, is for any purpose dangerous to the public peace in the possession of any person, or in any house or place, to issue his warrant to any constable or other peace officer, to search for and seize any such pike, pike-head, spear, dirk, dagger, sword, pistol, gun, rifle, or other weapon being in the possession of any such person, or in any such house or place as aforesaid; and in case admission into such house or place be refused, or not obtained within a reasonable time after it shall have been first demanded, to enter by force, by day or by night, into any such house or place whatsoever, and to detain or cause to be detained in safe custody, in such place as the said justice shall appoint and direct, the arms and weapons so found or seized as aforesaid, unless the owner thereof shall prove to the satisfaction of such justice that such arms or weapons were not kept for any purpose dangerous to the public peace.

Justices being refused admittance into houses to search for arms, may enter by force and may detain arms kept for purposes dangerous to the public peace.

Party from whom arms are taken may apply to general quarter sessions for an order for restoration.

V. Provided always, and be it further enacted by the authority aforesaid, that it shall be lawful for any person from whom any such arms or weapons shall be so taken as last aforesaid, in case the justice of the peace upon whose warrant the same shall have been taken, upon application made for that purpose, refuse to restore the same, to apply to the next general or quarter sessions of the peace, upon giving ten days' previous notice of such application to such justice, for the restitution of such arms or weapons, or any part thereof; and the justices assembled at such general quarter sessions of the peace shall make such order for the restitution or safe custody of such arms or weapons, or any part thereof, as upon such application shall appear to them to be proper.

Justices of the peace may seize and authorize the seizure of arms under particular circumstances.

VI. And be it further enacted by the authority aforesaid, that it shall and may be lawful for any justice of the peace, or for any constable, peace officer, or other person acting under the warrant of any justice of the peace, or for any person acting with or in aid of any justice of the peace, or of any constable or other peace officer having such warrant as aforesaid, to arrest and detain any person found carrying arms in such manner and at such times as in the judgment of such justice of the peace to afford just grounds of suspicion that the same are for purposes dangerous to the public peace; and it shall be lawful for the justice who shall arrest any such person, or before whom any person arrested upon any such warrant shall be brought, to commit such person for trial for a misdemeanor, unless such person can and shall give good and sufficient bail for his appearance at the next assizes or general quarter sessions of the peace to answer to any indictment which may be preferred against him.

And unless bail be given by person carrying arms under suspicious circumstances, justices may commit him for trial.

Concurrent jurisdiction given to justices of different districts in carrying this Act into effect.

VII. And be it further enacted by the authority aforesaid, that all justices of the peace in and for any district in this province shall have concurrent jurisdiction as justices of the peace with the justices of any other district, in all cases as to the carrying into execution the provisions of this Act, and as to all matters and things relating to the preservation of the public peace, as fully and effectually as if each of such justices was in the commission of the peace for each of such districts.

Action against justices, &c. for anything done under this Act, to be commenced within six months.

VIII. And be it further enacted by the authority aforesaid, that any action or suit which shall be brought or commenced against any justice or justices of the peace, constable, peace officer, or other person or persons, for anything done or acted in pursuance of this Act, shall be commenced within six calendar months next after the fact committed, and not afterwards; and that the venue in every such action or suit shall be laid in the proper district where the fact was committed, and not elsewhere; and the defendant or defendants in every such action or suit may plead the general issue, and give this Act and the special matter in evidence in any trial to be had thereupon; and if such action shall be brought

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or commenced after the time limited for bringing the same, or the venue shall be laid in any other place than as aforesaid, then the jury shall find a verdict for the defendant or defendants; and in such case, or if the plaintiff or plaintiffs shall become nonsuit, or discontinue his, her, or their action, after appearance, or if the jury find a verdict for the defendant or defendants upon the merits, or if, upon demurrer, judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have double costs, which he or they shall and may recover in such and the same manner as any defendant can by law in other cases.

Other protection to
Justices, &c.

IX. And be it further enacted by the authority aforesaid, that it shall and may be lawful for the Governor, Lieutenant-governor, or person administering the government of this province, by and with the advice of the Executive Council, by proclamation to declare that this Act shall be no longer in force in any particular district therein specified; and from and after the period specified in any such proclamation, the powers of this Act shall no longer be in force in such district: provided always, that nothing herein contained shall prevent, or be construed to prevent, the Governor, Lieutenant-governor, or person administering the government of this province, upon such advice as aforesaid, declaring by proclamation any such district to be again within the powers of this Act.

Governor may declare, by proclamation, that this Act is no longer in force in any particular district, and again to declare the same in force.

X. Provided always, and be it further enacted by the authority aforesaid, that no person shall be prosecuted for any offence done or committed contrary to the provisions of this Act, unless such prosecution be commenced within six calendar months after the offence committed.

All prosecutions for offences committed against this Act to be commenced in six months.

XI. And be it further enacted by the authority aforesaid, that the fourth, fifth, and sixth clauses of this Act shall continue in force during the present Parliament, and to the end of the first session of the next Parliament, and no longer.

end of the first session

Fourth, fifth and sixth clauses to continue in force to the end of next Parliament.

XII. Provided also, and be it further enacted by the authority aforesaid, that this Act may be repealed in the whole or any part thereof, or in any manner altered and amended during the present session of Parliament.

Act may be altered or amended during the present session.

CAP. XII.

AN ACT for indemnifying Persons who since the 2d of December 1837 have acted in Apprehending, Imprisoning, or Detaining in custody Persons suspected of High Treason, or Treasonable Practices, and in the Suppression of Unlawful Assemblies, and for other Purposes therein mentioned.—(Passed 6 March 1838.)

No. 1096.

WHEREAS a late armed insurrection of certain subjects of Her Majesty in this province, with intent to subvert the government, and to plunder and destroy the property of the loyal inhabitants, has been happily subdued, but not until the insurgents had committed acts of murder, robbery, and arson, and had occasioned much alarm for the peace and security of the province; and whereas immediately before and during the said insurrection, and in consequence thereof, it became necessary for justices of the peace, officers of the militia, and other persons in authority in this province, and for divers loyal subjects of Her Majesty, to take all possible measures for apprehending, securing, detaining, and bringing to justice persons charged or suspected of joining in the said insurrection, or of aiding and abetting the same, or of other treasonable practices dangerous to the peace of this province and the security of its government, and also for the purpose of defeating and putting down the said insurrection, and for maintaining the peace of this province, and securing the lives and properties of the inhabitants thereof; and whereas some of such acts may not have been strictly legal and formal, but it is nevertheless just and necessary that the persons doing or advising the same should be kept harmless and indemnified against actions at law or other proceedings with which they might otherwise be harassed: be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province,'" and by the authority of the same, that all personal actions, suits, indictments, and prosecutions, heretofore brought, commenced, preferred, or exhibited, or now depending, or to be hereafter brought, commenced, preferred, or exhibited, and all judgments thereupon obtained, if any such there be or shall be, and all proceedings whatsoever against any person or persons for or on account of any act, matter or thing by him or them done or commanded, ordered or directed, or advised to be done, since the 2d day of December, in the year of our Lord 1837, for apprehending, committing, imprisoning, detaining in custody, or discharging any person or persons who hath or have been imprisoned or detained in custody for high treason, or suspicion of high treason, or treasonable practices, or for apprehending, committing, imprisoning, or detaining in custody any person or persons who hath or have been imprisoned or detained in custody for having been so tumultuously, unlawfully, and traitorously assembled in arms as aforesaid, or for dispersing by force of arms any persons so assembled

Preamble.

All prosecutions heretofore brought or hereafter to be brought, and all judgments and proceedings for or on account of any act done since 2d December 1837, in apprehending, imprisoning, &c. persons charged with high treason, or for other acts relating to recent insurrections, to be made void and parties indemnified.

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as aforesaid, or for suppressing the said traitorous insurrection, and discovering and guarding against any other the treasonable proceedings aforesaid, or for the discovering and bringing to justice the persons concerned therein, or for maintaining the public peace and the security of Her Majesty's subjects in their persons and property, or for supporting the government and constitution of this province against the treasonable practices and proceedings aforesaid, shall be discharged and made void; and that every person by whom any such act, matter or thing shall have been done or commanded, ordered, directed, or advised to be done, shall be freed, acquitted, discharged, and indemnified, as well against the Queen's Majesty, her heirs and successors, as against all and every other person and persons.

Parties sued may plead general issue and give Act in evidence,

II. And be it further enacted by the authority aforesaid, that if any action or suit shall be brought, commenced, or had in any superior court in this province, against any person or persons for and on account of any such act, matter, or thing as aforesaid, he and they may plead the general issue, and give this Act and the special matter in evidence; and if the plaintiff or plaintiffs shall become nonsuit, or forbear further prosecution, or suffer discontinuance in any such action or suit, or if a verdict shall pass against the plaintiff or plaintiffs therein, the defendant or defendants therein shall be entitled to double costs, for which he or they shall have the like remedy as in other cases in which costs by law are given to defendants.

and entitled to double costs.

Persons prosecuted may apply to court in which prosecution commenced to stay proceedings, or if court be not sitting, then to any judge or justice of such court,

III. And be it further enacted by the authority aforesaid, that if any action, suit, indictment, information, prosecution or proceeding shall be brought, commenced, preferred, exhibited, or had in any court against any person or persons, for and on account of any such act, matter or thing as aforesaid, it shall be lawful for the defendant or defendants in any such action, suit, indictment, information, prosecution or proceeding, or for any of them, to apply by motion, petition, or otherwise, in a summary way, to the court in which the same hath been or shall be brought, commenced, preferred, exhibited or had, or shall be depending, if such court shall be sitting, and, if not sitting, then to any one of the judges or justices of such court, to stay all further proceedings in such action, suit, indictment, information, prosecution or proceeding; and such court, and any judge or justice thereof, when the said court shall not be sitting, is hereby authorized and required to examine the matter of such application, and upon proof by the oath or affidavit of the person or persons making such application, or any of them, or other proof to the satisfaction of such court, judge or justice that such action, suit, indictment, information, prosecution or proceeding is brought, commenced, preferred, exhibited or had for or on account of any such act, matter or thing as aforesaid, to make an order for staying execution and all other proceedings in such action, suit, indictment, information, prosecution or proceeding, in whatever state the same shall or may then be; and the court, or the judge or justice making such order for stay of proceedings in any action or suit as aforesaid, shall also order unto the defendant or defendants, and he or they shall have or be entitled to double costs for all such proceedings as shall be had or carried on in any such action or suit after the passing of this Act, and for which costs he and they shall have the like remedy as in cases where costs are by law given to defendants: provided always, that it shall be lawful for any person or persons being a party or parties to any such action, suit, indictment, information, prosecution or other proceeding, to apply by motion, petition or otherwise, in a summary way, to the court in which the same shall have been brought, commenced, preferred, exhibited or had, or shall be depending, to vacate, discharge or set aside any order made by any judge or justice of that court for staying proceedings, or for payment of costs as aforesaid, so as such application be made within the first four days of the term next ensuing the making of any such order by any judge or justice as aforesaid; and such court is required to examine the matter of such application, and to make such order therein as if the application had been originally made to the said court: but, nevertheless, in the mean time and until such application shall be made to the said court, and unless the said court shall think fit to vacate, discharge, set aside, or reverse the order made by any such judge or justice as aforesaid, the same shall continue in full force to all intents and purposes whatsoever.

and to order double costs to be paid defendant.

Prosecutor authorized to apply to court to discharge order of judge or justice, for stay of proceedings; application for such order to be made within first four days of next term of the court to which application is made.

Persons committed upon charges and heretofore discharged, to be deemed legally discharged.

IV. And be it further enacted by the authority aforesaid, that all and every person or persons discharged out of custody as aforesaid, although he shall not have been discharged according to law, shall be deemed and taken to have been legally discharged out of custody.

CAP. XIII.

No. 1097.

AN ACT to authorize the Appointment of Commissioners to investigate the Claims of certain Inhabitants of this Province for Losses sustained during the late unnatural Rebellion.—(Passed 6 March 1838.)

Preamble.

WHEREAS during the late unnatural rebellion, certain inhabitants of this province sustained much loss and damage by the destruction of their dwellings and other buildings by the rebels; and whereas it is expedient that a diligent and impartial inquiry should be made into the amount of such losses: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority

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authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province,'" and by the authority of the same, that it shall and may be lawful for the Lieutenant-governor of this province, from time to time, by commission under the great seal of said province, to appoint three persons as commissioners, whose duty it shall be to inquire into the losses so sustained by Her Majesty's subjects during the late unnatural rebellion.

Three commissioners to be appointed.

II. And be it further enacted by the authority aforesaid, that the said commissioners, before they enter upon the execution of their office, shall take an oath before any one of Her Majesty's justices of the peace, which he is hereby authorized to administer, to the following effect: "I, A. B., do swear that according to the best of my skill and knowledge I will faithfully, impartially and truly execute the duty of commissioner for ascertaining the losses sustained by certain inhabitants of this province during the late unnatural rebellion. So help me God."

Commissioners before entering on their office to take an oath, &c.

III. And be it further enacted by the authority aforesaid, that it shall and may be lawful to and for the said commissioners, and they are hereby authorized and empowered and required to examine upon oath all persons whom the said commissioners shall think fit to examine touching all such matters and things as shall be necessary for the execution of the powers vested in the said commissioners by this Act; and all such persons are hereby directed and required personally to attend the said commissioners at such time and place as they shall appoint.

Authority given commissioners to examine persons on oath, &c.

IV. And be it further enacted by the authority aforesaid, that the said commissioners are hereby authorized to meet, and sit from time to time at such place or places as the Lieutenant-governor, or person administering the government of the province may direct, with or without adjournment, and to send their precept or precepts, under their hands and seals, for any person or persons whatsoever, and for such books, papers, writings, or records as they judge necessary for their information or the execution of the powers vested in the said commissioners by this Act; and the said commissioners are hereby authorized to appoint and employ a clerk and messenger.

Commissioners to hold their meetings from time to time, and to summon persons to appear before them, and examine books, &c.

V. And be it further enacted by the authority aforesaid, that in case any person or persons upon examination upon oath before the said commissioners respectively, as before mentioned, shall wilfully and corruptly give false evidence, every such person so offending, and being duly convicted thereof, shall be and is and are hereby declared to be subject and liable to such pains and penalties as by any law now in being persons convicted of wilful and corrupt perjury are subject and liable.

Punishment for false swearing before Commissioners.

VI. And be it further enacted by the authority aforesaid, that the said commissioners shall, from time to time, at their discretion, or as often as they shall be thereunto required, and as soon as possible after the determination of their examination and proceedings by virtue of this Act, and without any further requisition, furnish an account of their proceedings in writing to the Lieutenant-governor, that a copy of such proceedings may be laid before the Legislature of this province at the then next ensuing session of Parliament.

Commissioners to furnish account of their proceedings to Governor, to be laid before Legislature.

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COPY of INSTRUCTIONS to the Lieutenant-Governor of Upper Canada, relative to Proceedings against Persons recently arrested in that Province, &c.

(*Mr. Hume.*)

*Ordered, by The House of Commons, to be Printed,
21 June 1838.*

EARL AMHERST.

RETURN to an ADDRESS of the Honourable The House of Commons,
dated 12 March 1838;—for,

COPY of a DESPATCH, and its Enclosures, addressed to Earl *Amherst* by
the Earl of *Aberdeen*, on the 2d April 1835.

Colonial-office, Downing-street, }
15 March 1838.

G. GREY.

COPY of a DESPATCH from the Earl of *Aberdeen* to Earl *Amherst*.

(No. 2.)

My Lord,

Downing-street, 2 April 1835.

THE King has been pleased to select your Lordship for a very important service, in the performance of which great judgment and discretion may be requisite. The persuasion that these qualities are possessed by your Lordship in an eminent degree, has induced me to submit your name for His Majesty's gracious approbation.

Earl of Aberdeen
to Earl Amherst.
2 April 1835.

It is now my duty to explain to your Lordship the objects of your mission, and to furnish you with such instructions as appear to be the best calculated to lead to their attainment.

I think it unnecessary in this place to enter into any historical review of the rise and progress of the unfortunate differences which for some years have existed between the Province of Lower Canada and the King's Government. The papers already in your hands will afford all the information upon this subject which you can require. It will probably be admitted that throughout the various stages of growing discontent, the Government of the mother country has been constantly animated by a sincere desire to promote the welfare and happiness of the Province; and that the increased degree of acrimonious feeling which now prevails in Canada cannot be attributed to any absence of good-will, or to any neglect on the part of Great Britain.

Notwithstanding the desire entertained by the Legislature of this country, and the successful efforts of my predecessors in the office which I now hold, to improve the general condition, and to carry into effect many substantial reforms in the administration of Lower Canada, I readily acknowledge that there are complaints still unredressed, which may be put forward by the Province, and that these are neither few nor inconsiderable. To meet and to remove all such; to apply a prompt and efficacious remedy to every such grievance; and to effect a permanent adjustment of differences which may prove satisfactory to all reasonable men, is the main object of your mission.

Your Lordship is fully aware of the spirit in which this undertaking has been conceived, and I will not now pause to develop further those principles, with which you are already familiar. The general views and feelings of His Majesty's Government upon this subject will be sufficiently apparent by a reference to the despatch which I have recently addressed to Lord Aylmer, and a copy of which is herewith enclosed.

Enclosure, No. 5.

I will, therefore, proceed at once to deal with the various topics which have been brought under the consideration of His Majesty's Government; I trust, in such a spirit of fairness and conciliation as may insure the successful termination of our endeavours; and if we should ultimately fail, it will at least be a consolation to believe that we shall have deserved the approbation and support of every man of candour and impartiality.

Lord Aberdeen's
Despatch to Lord
Aylmer, 14 Feb.
1835.

In entering upon a subject so comprehensive as the present, I have thought it right to divest your Lordship's instructions as far as possible of the various details, historical and legal, with which the question is necessarily encumbered. Confining myself in this place to those more prominent topics to which your Lordship's attention must be chiefly given, I have embodied in a series of Minutes, which accompany this despatch, all those collateral statements and discussions to which, in the discharge of your mission, you will probably have occasion to refer. This arrangement leaves me free to advance immediately to the consideration of those topics

Enclosure, No. 1.
Enclosure, No. 2.
Enclosure, No. 3.
Enclosure, No. 4.

Earl of Aberdeen
to Earl Amherst.
2 April 1835.

topics upon which, on your arrival in Lower Canada, you must be prepared to act with promptitude and decision.

First in order, and in importance, is the claim which will be preferred by the House of General Assembly to appropriate to the public service, at their discretion, the whole of the revenue of the Province, from whatever resources arising.

It was not on light grounds that preceding Administrations claimed for the Lords of the Treasury the right of applying the duties levied in Lower Canada, under the British Statute of 1774, towards the maintenance of the civil government and the administration of justice in that Province. That construction of the law was supported by every authority, legal and constitutional, to which the question could be referred. Experience, however, satisfactorily proved that such a power could not be advantageously maintained. The attempt involved a controversy with the House of Assembly, in the course of which that branch of the legislature assumed to itself the exercise of the disputed power of appropriation. His Majesty's acquiescence in that pretension was repeatedly made the condition upon which the necessary supplies of the year were granted. Lord Aylmer was thus compelled to sanction, and His Majesty's Government to acquiesce in, a proceeding which had been, in the most unequivocal terms, denounced by the Ministers of the Crown as unlawful. The Earl of Ripon, and the Administration of which he was a member, thought it necessary to terminate a controversy pregnant with such consequences as these. Parliament, therefore, at their suggestion, transferred to the General Assembly the unconditional right of appropriating to the public service of the Province the revenues raised under the Act of 1774.

Lord Ripon appears to have anticipated that this concession would have been met by a corresponding advance on the part of the Assembly towards the adjustment of all questions then in dispute between them and the British Government; and especially, that an adequate provision would have been made to secure the independence of the judges, and of those officers in favour of whom it was not desirable that salaries should be annually granted by a popular and fluctuating body. Those hopes were not fulfilled. The Assembly avowed that the concession already made would not be satisfactory unless followed up by a surrender of the hereditary and territorial revenue vested in His Majesty by his inherent prerogative.

On reviewing the various arguments alleged in support of this further demand, I find many to which, perhaps, it might not be difficult to give a satisfactory answer. But upon a deliberate survey of the question in all its different bearings, the Ministers of the Crown have thought it their duty to advise His Majesty that, subject to the conditions to be noticed in the sequel, these branches of the provincial revenue may be surrendered to the appropriation of the House of Assembly. Convinced that the well-being of his Majesty's subjects inhabiting the Province will, on the whole, be best promoted by this change, His Majesty cheerfully renounces to their representatives the trust which, except with a view to the interest of the Province at large, His Majesty could have no motive for retaining in the hands of officers appointed by himself.

To this demand of the House of Assembly your Lordship will, therefore, accede frankly and without hesitation. But the concession must not be unqualified.

After making the most liberal allowance for the distinctions which must subsist between the government of a province on the continent of North America and the administration of the affairs of this kingdom, there must yet remain some cardinal principles common to both, considered as members of the same empire, and as subject to the same Sovereign. At no period of the history of England has the King of this realm been dependent upon the votes of the House of Commons for the maintenance of those officers for whom at the present time provision is made by the Civil List. No sufficient reason has been alleged why the King should, in this respect, stand towards the House of Assembly in Lower Canada in a relation essentially different from that which His Majesty bears to the House of Commons. It is therefore in strict conformity with the settled maxims and habits of the constitution, that I instruct your Lordship to stipulate for the grant of a moderate and reasonable Civil List, as one of the conditions upon which the proposed transfer of the territorial and hereditary revenues will be made. The amount of the annual sum to be required for fixed services was stated by the Earl of Ripon, in his despatch of the 29th of September 1831, at 5,900 *l.*, a sum which it would be impossible to reduce without impairing the efficiency of this branch of the public service. Lord Ripon's estimate, however, did not embrace the judges' salaries. That charge was viewed by his Lordship as the subject of distinct consideration,

consideration, and in his despatches connected with it he pressed upon the Provincial Legislature the enactment of such a law as would render the tenure of the judges' offices independent of the Crown, while it exempted them from dependence on the Assembly for an annual grant of their salaries. I adopt, in this respect, the views of my predecessor in office, and advert to the subject in this place, only with a view to the remark, that if it should seem fit to the Assembly to add the amount of the judges' salaries to the proposed Civil List, His Majesty's Government would rejoice to concur with them in giving effect to the consequent arrangements respecting the terms of judicial patents. On the other hand, if the House of Assembly should think proper to exclude from any Civil List Act which might be passed the provisions relating to the maintenance of the judges and their tenure of office, that question may still be reserved for a separate discussion, without prejudice to the settlement of the demands to be made in favour of the Governor and the other officers of the Crown, who are to be embraced in the proposed Civil List. It must, however, be distinctly understood, that until an adequate provision be made for the maintenance of the judges, His Majesty cannot divest himself of the only funds within his reach available for that most important purpose.

Earl of Aberdeen
to Earl Amherst.
2 April 1835.

The Earl of Ripon's suggestion proceeding on the assumption that His Majesty would retain a perfect control over the hereditary and territorial revenue, contained no estimate for various expenses, which, though from their fluctuating nature they must be referred to the head of contingencies, are yet inevitable, and are not less essential to the free exercise of the functions of the Governor, than are the fixed salaries of himself and the few other public officers for whom it is designed to provide. The proposed Civil List must therefore contain the annual assignment of a sum of money adequate for these purposes. I refer to your Lordship, aided by the information which you will receive in the Province itself, the determination of the precise sum to be required under this head.

It will probably be objected to a permanent grant for indefinite purposes, that the effect will be to withdraw that part of the public expenditure, not only from the control, but even from the cognizance of the representatives of the people. Your Lordship will anticipate that difficulty by proposing that an account should be annually rendered, in detail, to the House of Assembly, of the purposes to which the Governor had appropriated every part of the fund placed at his disposal, under the head of contingencies. The opportunity of suggesting any practicable reductions in this charge will thus never be wanting to them; nor is it credible that, after such a settlement, there would exist any undue reluctance on the part of the Government to give effect to any such suggestions.

A further condition is to be noticed, which may, perhaps, still more completely allay any anxiety respecting the excess or misapplication of the contingent fund. I propose that the duration of the whole arrangement should, in the first instance, be limited to seven years; at the expiration of which the consideration of the question might be resumed with all the advantages derived from the experience which would then have been acquired, and the scheme might be better adapted to new exigencies, which, in the lapse of such a period, would have probably arisen.

The revenue to be ceded has already been charged by the Crown with certain pensions and other annual outgoings, for the punctual payment of which His Majesty's faith is pledged. No demand is made on the liberality of the House of Assembly for the means of rewarding meritorious public services in future. With the termination of the lives of the present grantees accessions would thus be progressively made to the fund at the disposal of the House of Assembly, until at length it would be cleared of every charge, excepting those which I have proposed that it should permanently bear. But His Majesty's Government are bound by considerations which admit of no compromise or hesitation, to stipulate, as the indispensable condition upon which the hereditary and territorial revenue is surrendered, that the legal rights of all the present pensioners and grantees should be respected and maintained in their integrity. In the accompanying Minutes your Lordship will find an exact statement of the amount of those charges, drawn out in the utmost practicable detail. I am persuaded that the House of Assembly will be not less firmly opposed than His Majesty's Ministers themselves to any measure by which the pledged faith of the King's Government might be justly impugned, or which would weaken the foundations upon which the security of all proprietary titles, and indeed of all civil rights, must ultimately repose.

Earl of Aberdeen
to Earl Amherst.
2 April 1835.

In the accompanying Minutes your Lordship will find a complete statement of all the sources from which the hereditary and territorial revenues of the Crown in Lower Canada are derived, with the average annual produce of each, as far as the materials for such an account exist in this kingdom. After verifying, and, if necessary, correcting this statement, by the aid of the more exact information to be obtained in the Province itself, your Lordship will communicate the result to the House of Assembly, in order that they may have before them the most copious explanation of the effect which the intended arrangement will produce upon the financial interests of the Province.

The accounts thus to be produced will show that of the funds to be surrendered to the House of Assembly a very large proportion results from the proceeds of the Royal demesne: including under that term the wild land of the Province, as well as the settled and inhabited districts, of which His Majesty is possessed in right of the Crown. It cannot be too distinctly understood, or too clearly stated, that in transferring to the representatives of the people the appropriation of the annual income arising from this property, His Majesty does not abandon the right of managing and of disposing of the land itself, in such manner as he may be advised may be most conducive to the settlement and general welfare of that part of His Majesty's dominions. This is indeed the inherent right, or, as it might be more accurately expressed, the inalienable duty, of the Executive Government. There exist no public functionaries independent of His Majesty to whom such a trust could be properly confided. The abandonment of this branch of the Royal prerogative to the House of Assembly would destroy the whole balance of the Provincial Government. It is no failure of respect to that body to observe, that their virtual irresponsibility disqualifies them for the discharge of a duty, for the faithful and impartial performance of which the immediate agents ought to be held strictly accountable. The principle which excludes the popular branch of the Legislature from all administrative functions, rests on motives too obvious to require explanation, and too conclusive to be made the subject of debate. In fact, there is no country possessing free institutions in which this fundamental maxim does not obtain; nor can the King forego, in Lower Canada, the exercise of a power, which, for the benefit of his subjects at large, is vested in His Majesty throughout every other part of the British dominions, European as well as Foreign.

It will probably be objected, that past experience has shown the necessity of devising an effective control against the abuse of this power by officers invested with His Majesty's delegated authority. Exempt, as I am, from every desire to overstate the just claims of the Crown on this subject, and feeling that this is a discussion to the right conduct of which perfect frankness is indispensable, I have no scruple in subscribing to the accuracy of that statement. I very deeply regret the improvidence with which so many valuable districts in Lower Canada were in former times alienated in favour of persons who had no just claim to such favour. I must, however, on behalf of preceding Administrations, assert, that their error was the result, in great measure at least, of misconceptions, which very widely prevailed, respecting the principles on which the settlement of an uncleared territory could be most advantageously conducted. It is due to the Earl of Ripon to state, that to him is to be attributed the distinct perception of the fallacy which had led others to sanction gratuitous donations of land, in the hope of expediting the settlement and speedy occupation of the country. To him also is to be ascribed the effective practical measures adopted to prevent the continuance of that ill-judged practice. The rules which Lord Ripon laid down for preventing the alienation of any part of the wild lands of Lower Canada, except at a fair minimum price, and after an open and impartial competition at public auction, appear to myself perfectly well adapted to prevent the recurrence of any of those abuses which the House of Assembly will probably object to the past management of these lands by the Crown. His Lordship invited that House to assist him by any suggestions which they could offer for the improvement of his plan. Hitherto no such advice has been received from them. Your Lordship will renew the invitation, with the assurance that it will be weighed with the deference so justly due to the opinions of the representatives of the people of Lower Canada on such a subject: nor will you refuse your assent to any Bill which may be tendered to you, if otherwise unobjectionable, for preventing the deviation of the Governor himself, or of any other officer acting under His Majesty's authority, from the principles of Lord Ripon's regulations.

The management of the Crown lands will necessarily involve a considerable expenditure,

expenditure, which, from its nature, is incapable of being made the subject of a previous estimate with any reasonable certainty. It is, therefore, to be understood that the territorial revenue to be placed at the disposal of the House of Assembly is not the gross income, but the net receipt, after the necessary and reasonable deductions shall have been made for the expenses of management and collection. To obviate the jealousy which may be felt respecting the probable amount of this charge, your Lordship will pledge His Majesty's Government, not only to maintain the utmost practicable economy, and the most vigilant superintendence over all subordinate officers employed in this service, but also to lay before the Assembly, from year to year, an account, in the most complete detail, of every part of this expenditure, and to receive with the utmost respect and attention any suggestions which that House may think fit to offer, for the reduction of that charge, or for improving the system of land administration.

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to Earl Amherst.
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I will not pass over in silence a further objection which will probably be raised by the House of Assembly to the proposed arrangements respecting the management of the wild lands. I anticipate the revival of the complaints which have already been made respecting the establishment of the British North American Land Company, and the remark, that by creating institutions of that nature, His Majesty's Government do virtually transfer to private and irresponsible persons that duty which is claimed for the Crown as incident to the Royal prerogative. Without pausing to repel this remark so far as I think it really susceptible of an answer, it is more satisfactory to say that your Lordship has distinct authority to pledge His Majesty not to incorporate any body of persons in future, for the purchase and settlement of wild lands in Lower Canada, until the intention shall have been communicated to the Legislative Council and Assembly, and ample opportunity shall have been given to those bodies to urge any objections which they may entertain to the grant of such a charter. The existing charter rests upon a legal, and therefore an unassailable foundation. It creates vested rights, which it is the indispensable duty of His Majesty's Ministers to respect and to maintain. Although, therefore, the company itself cannot be dissolved, and their territory cannot be taken from them, your Lordship will distinctly understand, and will communicate to the House of Assembly, that the proceeds of the payments to be made by the company to the Crown, will constitute a part of that territorial revenue which it is proposed ultimately to surrender to their appropriation.

I will not yield myself to the apprehensions that the settlement which I have thus proposed of these pecuniary questions will be rejected by the House of Assembly. They are conceived in the spirit of conciliation and respect, and will, I trust, be welcomed in the same temper. It is necessary, however, to contemplate the opposite contingency. Your Lordship will, therefore, understand that you have not authority to recede from any of the fundamental principles which I have laid down for your guidance. If, without compromising them, the plan can be so modified as to render it more acceptable to the House of Assembly, I do not fetter your Lordship's discretion to adopt and sanction any such changes. But from the basis itself your Lordship will not depart, except with the direct previous sanction of His Majesty. It is not probable that the King would authorize you to recede in principle from the terms which I have thus proposed, except after a communication to both Houses of Parliament, and with their concurrence.

I am the less disposed to authorize any departure from the general principles thus laid down for your Lordship's guidance, because the application of them will necessarily extend beyond the limits of Lower Canada. The concessions which His Majesty makes on this occasion, though suggested by the representations which have reached the Throne from that Province, are not yielded with reluctance, or on the pressure of mere importunity, but from a mature conviction that the time has arrived when they may be made with advantage to the empire at large. The other British North American provinces will partake of the benefits of the arrangement. It is gratifying to His Majesty to anticipate in Upper Canada, in Nova Scotia, New Brunswick, and Prince Edward's Island, the probable wishes of the representatives of the people, and to transfer to the respective Houses of General Assembly, though unsolicited by them, a power which, His Majesty is assured, they will employ for the general welfare of their constituents. A measure thus comprehensive must, of course, be consistent with itself, and must rest upon the same basis in all the different provinces to which it will be extended.

The preceding instructions afford sufficient proof of His Majesty's anxious desire to make to the House of Assembly of Lower Canada every concession not at vari-

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ance with the essential principles of the monarchical constitution of the Province. Beyond that limit His Majesty cannot be advised to advance ; nor will I, on any light grounds, conclude that it is the deliberate wish of the representatives of the Canadian people to urge their pretensions farther. To the support of that system of government, which was established by the Parliamentary Charter of 1791, the most sacred pledges have been given, not merely by His Majesty's representatives and by the various executive officers of the Crown in Lower Canada, but by all public functionaries and the great body of His Majesty's subjects inhabiting that Province. The demand which has been made for convoking electoral meetings in all the districts of the country, to deliberate on the innovations which it may be expedient to make in the established form of government, I am therefore willing to refer rather to the excitement of popular debate than to the settled wishes of any considerable body of persons. If your Lordship should learn that I am mistaken in this supposition, and if such a pretension should be seriously advanced, you will meet it by the most unequivocal declaration, that His Majesty's Government will participate in no such project. Appeals to popular conventions can have no place in the British Constitution, whether as existing in this kingdom, or as modified by any colonial laws. They are foreign to the whole spirit of our government. They are equally destitute of plausibility in theory, and of substantial advantage in practice. The irresistible authority of public opinion, when deliberately maintained and distinctly expressed, no one will dispute ; but that opinion is not to be collected from the resolves of meetings which, from the nature of the case, must be under such a control as to deprive the assembled multitude of all means of serious inquiry and free action.

The project of what have been termed primary meetings is avowedly entertained, in order to prepare the way for rendering the Legislative Council an elective body. To that change also, in whatever form it may be urged upon your Lordship's notice, it will be your duty to announce the settled opposition of His Majesty's Government. They adhere to the Constitutional Act of 1791. They believe it to be a system of government, not of course incapable of improvement, but well adapted in all its fundamental principles to promote the wellbeing of the people of Canada. The Ministers of the Crown do not believe that a council chosen by the constituency of the House of Assembly would adequately represent the interests or convey the opinions of the collective society of the Province in all its different branches. They doubt not that the proposed change would induce the necessity for other innovations, which as they are unnoticed, so they cannot be contemplated, by the House of General Assembly. To so complete a revolution in the system of provincial government it is impossible that the King should be advised to give his sanction. The entire abolition of the Legislative Council would in its early and inevitable consequences, be a less abrupt invasion of those principles which form the basis of the existing constitution.

Your Lordship will, however, entertain any proposal which may be made to you for improving the character and increasing the weight and independence of the Legislative Council. It may be perfectly fit to limit strictly the number of persons holding offices at the pleasure of the Crown who should be competent to sit and vote in that body. I am not prepared absolutely to deny that even the total exclusion of all such officers might, under the peculiar circumstances of the case, be expedient, although that is a conclusion which I should be slow and reluctant to adopt. The establishment of such a qualification as would ascertain that every member had a large and permanent interest in the soil of Lower Canada appears to me a desirable measure. Some restriction, perhaps, on the augmentation of the number of councillors, and the exclusion of men of unripe years from any share in its deliberations, might probably tend to check some of the abuses to which such an institution is more particularly obnoxious. By a judicious choice from the gentlemen of the country of some new councillors, additional confidence and respect might be won for the Legislative Council, as at present constituted. I do not dwell at greater length on these suggestions, because the adoption of them would presuppose a more intimate acquaintance than I can venture to claim with the actual state of society, and with the internal affairs of the Province. I would refer them to your Lordship for your more mature inquiry and reflection. Such proposals, if they shall answer no other practical purpose, may at least serve to illustrate the disposition which His Majesty's Government entertain to promote any amendments in the composition of the Legislative Council of Lower Canada not involving a sacrifice of the right of the King to nominate the members.

The

The topics to which I have already adverted are those to which far more interest attaches than to any other connected with the recent discussions in Lower Canada. Referring your Lordship to the Minutes already mentioned for an explanation of my views upon many subordinate questions, I will briefly review in this place those which appear to invite a more particular notice.

Earl of Aberdeen
to Earl Amherst.
2 April 1835.

I have no terms more distinct and emphatic than those employed in Lord Ripon's despatches with which to express my own conviction, that upon questions properly belonging to the cognizance of the Provincial Legislature, Parliament ought not to interfere, except at the bidding of the most evident necessity, and with a strict adherence to the limits within which that necessity may operate. I therefore have no wish that any single enactment should be retained in the British statute book respecting the tenure of land in Canada. The motives which induced Parliament, in the year 1791, to interpose on the subject of the conditions on which newly granted lands should be holden, and the motives which led to a Parliamentary interpretation of that enactment in the year 1825, if erroneous, were at least considerate, and indicative of an earnest desire to promote the welfare of the Province. The transfer to the Legislature of Lower Canada, in 1831, of the power to repeal or modify the previous Statutes at their discretion, was unquestionably dictated by the wish to testify the highest respect for their exclusive right to regulate the internal affairs of their constituents. If, as I have reason to suppose, it should be maintained that the last of these Acts does not impart to the Canadian Legislature the necessary powers in terms sufficiently ample, the Ministers of the Crown will cheerfully introduce into Parliament any Bill which may be necessary for the extension of those powers. If, on the other hand, the local Legislature concur with myself in thinking that their authority on this subject is altogether unfettered, and if, in pursuance of that opinion, they should proceed to pass any Acts for the settlement of the question respecting the tenures of land, your Lordship will cordially co-operate with them in that work. Or, finally, if the Council and Assembly should desire the repeal by Parliament of the whole, or of any particular part of the British Statutes on this subject, your Lordship will, on behalf of His Majesty's Government, engage that the necessary measures shall be promptly taken for obtaining such a repeal. It is always, of course, to be understood that the Ministers of the Crown cannot be accessory to any such alteration of the existing law as should defeat the vested rights, or destroy the reasonable and legitimate expectations, of any company or individual to any land in the Province. In the same spirit, and in pursuance of the same principle, your Lordship will give the most distinct pledge that the Ministers of the Crown will recommend to Parliament the enactment of a law repealing the whole or any part of the Canada Trade Act, 3 Geo. 4, c. 119, for the repeal of which the Legislatures both of Lower and Upper Canada may prefer a joint address to your Lordship. As the two Provinces have a common, and not a very unequal interest in the revenue distributed between them under that Statute, it is obvious that His Majesty's Government could not properly act on the subject except with the concurrence of both.

Your Lordship will direct your careful attention to the means which may be most effectually taken for improving the constitution of the legal tribunals of the Province; for increasing method, economy, and despatch in the administration of justice; for the revision of any rules of procedure, civil or criminal, at present established in those courts, by whatever authority; and for the abolition or reduction of any improper or exorbitant fees which may be taken there. Lord Ripon suggested the establishment of a commission of inquiry for these purposes. If your Lordship should find that such a measure would be really practicable and convenient, you will give effect to it, apprizing the two Houses of your intention, and recommending to the House of Assembly to make provision for the necessary expense. If those Houses should prefer any other mode of revising and regulating what relates to this important class of subjects, your Lordship's active co-operation will not be wanting in any scheme which may be properly digested for the purpose; nor will you forget that upon such topics more than common deference is due to the judgment of those who, from local knowledge, constant habit, and long experience, have acquired a great familiarity with them.

The apprehension which the inhabitants of French origin have expressed, that the use of their native language would be superseded or discouraged in legal proceedings, and in other public acts, is, I trust, without foundation. Your Lordship, however, will ascertain the facts of the case, and will give your zealous support and authoritative sanction to any measure which shall secure to the inhabitants, whether of French or of English origin, the equal and unrestricted use of

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their native tongues in all places, and on all occasions where any public business, legislative, judicial, fiscal, or otherwise, may be transacted.

His Majesty utterly disclaims, for himself and for all persons acting under his authority, a policy so narrow and illiberal as that of compelling the numerical majority of the inhabitants of Lower Canada to employ in public documents and deliberations a language which they are not accustomed to use in the intercourse of private life.

I adopt, to their full extent, the views and the language of Lord Ripon respecting the impartial admission of the Canadians of French origin to their equal share in all public employments which may become vacant in the Province. This is a subject on which, from the nature of the case, it is barely possible that any definite and inflexible rule should be established. The Governor of the Province must exercise a discretion, governed by the nature of the office to be filled, and the qualifications, absolute or relative, of the different candidates. So much importance do I attach to the prevention of any partiality in the distribution of vacant offices, that if your Lordship should discover the means of laying down a precise rule for the guidance of those by whom the government is to be administered in future times, it will be cheerfully adopted and sanctioned by the King.

In the absence of any such specific regulation, I can only record anew, with the utmost earnestness, the reiterated injunction that every effort be made to place in public stations, for which they may be qualified, any Canadian gentlemen presenting themselves as candidates, until some approach to a just balance in this respect be established between the two races.

The accumulation of numerous, and especially of incompatible offices, in the same hands, is an abuse against which provision might be made by direct legislation; and to any law of that kind, if properly framed, your Lordship will not refuse His Majesty's assent.

Lord Ripon gave to the people of Lower Canada a pledge, conceived in the most forcible terms, of the desire of His Majesty's Government to countenance every judicious plan for the general diffusion of sound knowledge, both religious and literary, whether by elementary instruction, or by the establishment of colleges for pupils in a more advanced stage of education.

To the complaints which have been made of reluctance to redeem that pledge, your Lordship will, I trust, be able to give the most complete practical refutation. For giving effect to any judicious plan or reasonable recommendation of this nature, there is no branch of the Royal authority, legislative or administrative, nor any legitimate influence of the Crown, which your Lordship will not call into exercise. The settlement of some comprehensive scheme of general education will, I trust, remain as a lasting monument of your Lordship's mission to Lower Canada.

The power of reserving for the signification of His Majesty's pleasure Bills passed by the Council and Assembly having been expressly given by Parliament, cannot be withdrawn by any instructions, issued by the King or in His Majesty's name. It is alleged that recourse has been too frequently had to this mode of proceeding. Without expressing an opinion on that subject, I think it right to record, for the guidance of those to whom the administration of the government of Lower Canada may hereafter be committed, His Majesty's commands that a very cautious and abstemious use be made of this power.

I have thus adverted to the principal topics embraced in the 92 Resolutions of the House of Assembly of Lower Canada, without attempting to pursue them all into minute detail; because, at this distance from the place, it is more important clearly to enounce the general principles by which His Majesty's Government are directed, than to prescribe the particular measures which they may desire to adopt or to sanction. Those principles are few and simple. They consist in maintaining inviolate the spirit of the Parliamentary Charter of 1791; in deprecating all unnecessary Parliamentary legislation respecting the internal affairs of Lower Canada; in transferring to the representatives of the people the utmost possible control over the produce of all the duties levied within the Province, and of all branches of the public revenue arising there; in discountenancing all favour shown to any one class of the inhabitants to the prejudice of the rest; and in making the prosperity of the Province, with the conciliation of the inhabitants to each other and to this kingdom, the only objects to be borne in view in the administration of the government of that part of His Majesty's dominions.

I have, &c.
(signed) *Aberdeen.*

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Enclosure, No. 1, in Lord *Aberdeen's* Despatch to Lord *Amherst*, dated 2d April 1835.—
(No. 2.)

Earl of Aberdeen
to Earl Amherst.
2 April 1835.

A MINUTE, containing a compendious Statement of the progress of the Controversies which have subsisted between the House of Assembly of Lower Canada and His Majesty's Government.

Enclosure, No. 1.

In the following paragraphs, Lord Aberdeen will purposely confine himself to a naked statement of facts, unaccompanied by any comment, or by the expression of an unnecessary opinion; his object being merely to supply Lord Amherst with a convenient epitome for his Lordship's use of various facts and dates, which it might not perhaps be otherwise easy to bring together for immediate use.

THE great Province of Quebec, comprising all the regions now known as Upper and Lower Canada, was ceded to Great Britain by the fourth article of the treaty of peace, of the 10th February 1763. In October of the same year, a proclamation of King George 3 announced, that, as soon as circumstances would admit, a General Assembly would be summoned in the Province of Quebec, in the same manner as in the other British North American Colonies; and until that design could be completed, "the benefit of the laws of England" was promised to the inhabitants.

The conquest and
cession of Canada.

Eleven years elapsed before any attempt was made to fulfil this engagement. Instead of a popular Legislature, a Council of Government was erected, with powers both legislative and administrative; and, until the year 1774, that form of constitution continued in force throughout the entire Province.

The Constitution of
1774.

The contest with the North American Colonies had naturally indisposed the Government to increase the number of Legislative Assemblies on that continent, while it strongly suggested the policy of conciliating, to the utmost possible extent, the inhabitants of Canada. Accordingly, in the year 1774, two statutes were passed "for the relief and better government of the people of the Province of Quebec." Of these, the first (14 Geo. 3, c. 83) secured the most ample toleration to the priests and laity of the Roman-catholic religion; established the French civil and the English criminal law; and created a Legislative Council, to which all power of general taxation was denied. The second of these Acts (14 Geo. 3, c. 88) repealed various burthensome taxes, levied under the French Government, and substituted for them more moderate duties on spirits and melasses. The produce of those duties was declared applicable by the Lords of the Treasury to the expenses of the civil government, and of the administration of justice.

The Revenue Act
of 14 Geo. 3.

These Acts were received in the Province as valuable concessions, and produced the good effects contemplated by their authors. During the whole of the American contest the Canadas retained their allegiance to this kingdom.

The Canada Bill of 1791 divided Quebec into the two Provinces of Upper and Lower Canada, and established in each a Legislative Council and an Assembly. It was at that time contemplated that an hereditary aristocracy might be formed in these Provinces by attaching to seats in the Council titles of honour, which were together to pass to the descendants of the original grantees. In the same spirit, and as a step towards this consummation, the seats of legislative councillors were expressly declared to be tenable for life.

The Constitution of
1791.

For the present purpose it is enough to recapitulate, in very general terms, the most material of the other provisions of the statute of 1791. It provided for convening Assemblies in the two Provinces; ascertained the qualifications of electors and of members; required an annual session to be holden; and limited to four years the duration of the provincial Parliaments. It declared that the English tenure of common soccage should apply to all land which might be subsequently granted by the Crown. It recited the terms of the "Declaratory Act," (the statute of 1778, by which Great Britain had disclaimed the right of colonial taxation, except for the regulation of trade, and the right of appropriating the proceeds of trade duties,) and pledged Parliament to observe that engagement towards the Canadas.

The Constitutional
Act of 1791.

Lord Dorchester was the first Governor of the Province after the year 1791. His Lordship commenced the practice of laying before the House of Assembly annually both an estimate and a statement of ways and means. It was not, indeed, proposed that they should vote the estimate, but only that they should grant an aid towards the deficiency. Accordingly, in the year 1795, an Act was passed by the Canadian Legislature, by which an additional sum of 5,000 *l.* sterling per annum was placed at the disposal of the Crown towards the expenses of the civil government, and the administration of justice. Six years afterwards, that is, in 1801, certain duties on tobacco were imposed by a provincial Act, (41 Geo. 3,) the proceeds of which were declared applicable by the King to the same purposes.

Lord Dorchester.

The grant by the
Assembly to the
Crown, 1795.

Grant by the
Assembly to the
Crown, 1801.

Nineteen years elapsed from the settlement of the Canadian Constitution, during which the practice thus introduced by Lord Dorchester was followed by his successors. But the provincial revenue derived from the 14 Geo. 3, and the two last-mentioned grants, were not sufficient to meet the charges of the government of Lower Canada; and the deficiency was annually supplied by a vote of the House of Commons of Great Britain.

Deficiency supplied
by Parliament.

In the year 1810 the House proposed to assume to themselves the entire charge of the civil government of the Province, for reasons which it would be foreign to the purpose of the single object of this Minute to investigate;—that offer was declined by the British Government.

1810.
Offer by the Assem-
bly to undertake the
whole charge, de-
clined.

1818.
Application to the Assembly to undertake that charge.
1818.
First assumption of the charge by the Assembly.
- Duke of Richmond's estimate by "chapters."
- Assembly vote the supply, not by "chapters," but in detail.
1820.
Lord Dalhousie's demand of a permanent supply.
- Lord Dalhousie's issue of the Assembly's money.
- Dispute between the two Canadas.
1823.
Lord Dalhousie's double estimate.
- Mr. Caldwell's default.
- Supply refused except on the terms of the Assembly.
- In 1818, by Lord Bathurst's directions, Sir John Sherbrooke applied to the Assembly to undertake the burthen, which, eight years before, they had offered to assume. He did not ask them for a permanent supply, but merely to vote what was wanting for the current year. The demand was met with the most precise compliance—the Assembly voting the exact fractional sum proposed by the Governor. They did not, however, pass any Bill, but simply authorized, by a resolution, the payment by the Receiver-general of the sum required. To meet the new demands on the provincial Treasury, the Assembly proceeded to impose new taxes, of which, however, they reserved the appropriation to themselves.
- In the following year, 1819, the Assembly were again called upon to vote the Governor's estimate. Again they acceded to all his demands.
- The Duke of Richmond succeeded Sir John Sherbrooke, and was the author of an innovation which first brought the Government and the Assembly into collision. His Grace sent down his estimate in a new form. It was divided into "chapters," each "chapter" corresponding with the demands of some one department; and for each was asked a sum, of which the proposed application in detail was unexplained. For example, he proposed that 1,909*l.* 6*s.* should be voted for the Executive Council.
- The Assembly resisted this novelty. They refused to vote by chapters, and declared their right to deliberate on each specific item. Accordingly they passed a Bill, in which they adopted, as a basis, Sir John Sherbrooke's estimate of 1818, and appropriated the entire supply of the year to each head of public service in detail. The Legislative Council rejected this Bill as an encroachment on the King's prerogative, and the Assembly were prorogued by the Duke of Richmond with a severe rebuke.
- Notwithstanding the loss of the Bill of Supply, the Duke of Richmond drew from the Receiver-general the precise sum for which he had applied to the Assembly; thus directly ordering the application of public money, of which the grantors had expressly reserved the appropriation to themselves.
- The Duke was succeeded, in 1820, by Lord Dalhousie. In that year his Lordship announced to the Assembly that the permanent revenues of the Crown were insufficient, by a sum of 22,000 *l.*, to meet the annual expenditure, and he asked a further grant of that amount, which he required to have permanent. The Assembly refused to do more than make an annual grant. This was accordingly effected by a Bill, in which the supply was carefully appropriated to each head of public service. The Council rejected this Bill. The House then voted the funds which they thought necessary for the public service of the year; but Lord Dalhousie informed them that he could not act upon their resolution, since the Council had not concurred in it. His Lordship then prorogued the Assembly, telling them that he would issue the required money on his own responsibility,—a measure, the necessity of which he ascribed to their conduct. Accordingly Lord Dalhousie drew from the Receiver-general not only the funds which the Assembly had refused, but considerably more.
- In Lord Bathurst's despatches of the 11th September 1820, and the 30th September 1821, these proceedings were approved. His Lordship, however, earnestly impressed on Lord Dalhousie the necessity of strict economy. He admonished him to apply the Crown revenue to those objects only for which the Crown was peculiarly interested to provide; to confine his expenditure within the limits of that revenue; and to leave the Assembly either to support or to starve objects of a popular nature, as they might think fit.
- During these discussions a controversy had grown up between the two Canadas, respecting the apportionment between them of the duties levied at the port of Quebec. In order to adjust this dispute the then Government brought into the House of Commons a Bill for reuniting the two Provinces, and for establishing a General Assembly common to them both. The measure was defeated; but in substitution for it was introduced and carried an Act, usually called "The Canada Trade Bill," which provided for the apportionment of the duties, and virtually rendered permanent certain temporary Revenue Acts of the Legislature of Lower Canada.
- In the year 1823 Lord Dalhousie acted upon Lord Bathurst's instructions. He prepared two distinct estimates. The first embraced what were called the general, the second what were termed the local establishments. The first, in effect, comprised all those services in which the Crown was more immediately interested; and the second all those of a more popular nature. The House were informed that the Crown revenue would meet the first of these estimates; and they were requested to provide for the second. The required money was accordingly granted, and the session was closed with mutual courtesies. The Assembly, however, had carried two important objects. The Governor had abandoned the claim to a permanent grant, and had drawn up his estimate, not in "chapters," but in detail.
- Pending the debates between the Governors and the Assembly, a sum amounting to 96,000 *l.* and upwards had accumulated in the hands of the Receiver-general, Mr. Caldwell. In 1823 that gentleman failed, and the money was lost to the public.
- In 1824 Lord Dalhousie repeated the experiment of sending to the House two distinct estimates, comprising respectively the Government and the popular establishments. The Assembly now advanced another step in the contest. They answered the demand thus presented to them by a series of resolutions. They denied the right of the Crown to select their own favoured objects upon which to employ the Crown revenue. They complained of the manner in which the two estimates were arranged; and they condemned, in the strongest terms, the unlawful appropriation by Lord Dalhousie of money which was subject only to their own disposal. After adopting these resolutions they proceeded to reduce the Governor's estimate in all its parts, especially in that which was dedicated to Government objects, and which he had proposed to defray from the Crown revenue; and with these reductions they voted

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voted the supplies for the year. The session was again closed, with strong censures of the Assembly by Lord Dalhousie.

In 1825 the temporary administration devolved upon Sir Francis Burton. He receded from the pretension made by Lord Dalhousie to break the estimate into two parts, of which one only was to be a charge upon the Government funds; but laid before them, in full detail, a statement of every service for which it would be necessary to provide. He then stated the probable amount of the King's revenue, and proposed to the House to supply the deficiency. Again the Assembly enlarged their pretensions. They proceeded to resolve that the funds of which the Government claimed the disposal could not be lawfully expended without their concurrence. They then reviewed the estimate; and, after making considerable reductions, voted it for one year. Thus the Assembly gained every point for which they had contended. There was no longer mention of chapters, or of a permanent grant, or of splitting the estimate into two parts, a Government and a popular part; or even of the Crown definitively settling to what purposes its own revenue should be applied. The Assembly had, in effect, acquired the control of all the revenues of the province on their own terms.

1825.
Sir Francis Burton's estimate.

1825.
The Assembly appropriate the King's revenue.

Lord Bathurst strongly disapproved these concessions, and addressed to Sir Francis Burton a very marked censure for his conduct.

Lord Dalhousie was despatched to resume his government, and reverted to his former plan of dividing the estimate for 1826 into two parts. While the House were in deliberation on the subject, Lord Bathurst's despatch to Sir F. Burton was communicated to them. The Assembly immediately addressed the King, protesting against the doctrine advanced by the Secretary of State, that one part of the revenue might be lawfully appropriated without their consent; and they passed a Bill, in which they asserted for themselves the right of appropriating the whole. Lord Dalhousie would not accept this Bill, but reserved it for the signification of the King's pleasure. The Assembly was then dissolved.

1826.
Petitions from the Assembly against Lord Dalhousie's pretensions.

In 1827 Lord Bathurst resigned his office, and was succeeded by Lord Goderich. In July of that year Lord Goderich apprized Lord Dalhousie of his general concurrence in his predecessor's claim to the appropriation of the Crown revenue without reference to the Assembly. But Lord Goderich directed that an offer should be made to the House, of resigning the King's revenue to their disposal, in consideration of a civil list of 36,000 £. per annum.

1827.
Lord Ripon's demand of a civil list of 36,000 £. in exchange for the King's revenue.

The Canadian Assembly met in the autumn of 1827, and presented Mr. Papineau to Lord Dalhousie as their Speaker; but his Lordship refused to accept him in that character. The consequence was, that in the winter of 1827-8 no session at all took place, and it was impossible to communicate to the House the proposal made by Lord Goderich for a civil list.

1828.
Petitions to Parliament.

In 1828 Lord Goderich resigned the seals of this department, which were transferred to Mr. Huskisson. So general was now the discontent prevailing in the province, that no less than 87,000 people, or at least one-fifth of the entire population, signed petitions to the King and to both Houses of Parliament for the redress of their grievances. Three delegates were commissioned to be the bearers of them. Mr. Huskisson resolved to move the appointment of a Committee of the House of Commons to take these complaints into consideration; and in the session of 1828 such a Committee was accordingly appointed.

House of Commons' Committee of 1828.

The great sources of discontent in the province were, the claims advanced by the Secretary of State, and by the Governors, to the appropriation of so large a part of the Canadian revenue; the illegal application of other parts of that revenue by the Duke of Richmond and Lord Dalhousie, in defiance of the Assembly; and the very heavy loss occasioned by Caldwell's default, which itself has been brought about by these dissensions. But various other causes of irritation had sprung up pending this financial discussion; and to these it is not necessary in this place to advert, except in general terms, because, as will appear in the accompanying Minute, No. 2, they have chiefly been obviated by the more recent measures of the King's Government. It should, however, be understood that the original petitioners were met by several counter-petitions. Parties in Canada had followed, to a great extent, the original division of the inhabitants into the French and English races. Some few of the leading opponents of the Provincial Government were indeed Englishmen by birth, and, on the other hand, some French names were to be found in the list of its adherents; but the opposition, which, under other circumstances, Lord Dalhousie's measures might have incurred from the English settlers, was silenced by the motives which separated the two races from each other. The electoral divisions of the country had thrown into the hands of the French almost the whole representation, while the English held a large proportion of all the places of honour and emolument. The one was possessed of a majority in the Assembly, and the other in the Legislative Council. The French held as seigneuries all the finer parts of the province, while the English settlers formed a distinct community in that region which is called the townships. The French were in possession of almost all collegiate and ecclesiastical endowments, while the English had possessed themselves of every lucrative branch of foreign commerce. From these contending parties the following complaints reached the House of Commons, and the Canadian Committee of 1828.

Sources of discontent.

Counter-petitions.

French and English parties.

Complaints of the two parties.

1. A series of Acts of Parliament had provided for the commutation of the feudal tenures in Lower Canada, with the consent of the lord, into free and common socage tenure. The French complained of these English statutes, as calculated to embarrass all titles to property in the Province, while the English remonstrated against them as inadequate to the attainment of their professed design.

Complaints of the petitioners.

2. The English complained of the inequality of the representation of the people, and prayed

prayed for such a new division of the country into electoral districts as should give to numbers and capital their due weight in the popular branch of the Legislature.

3. The French petitioners remonstrated against the large and improvident grants which had been made of extensive tracts of land to absentees.

4. They remonstrated against the claim advanced and acted upon by the Government, to appropriate, without the consent of the House of Assembly, a large part of the provincial revenue.

5. They insisted that the tenure of the judicial office ought to be during good behaviour, and not during pleasure.

6. They complained of the defalcation of Mr. Caldwell, and the loss incurred on that account by the Province.

7. As connected with Caldwell's case, they further complained that the Receiver-general and sheriffs were appointed without giving security for the faithful management of their receipts.

8. Extensive estates, which had been the property of the order of the Jesuits, had been taken possession of by the Crown, and the rents applied for the ordinary purposes of the King's revenue. The French petitioners reclaimed this property, as applicable, by the House of Assembly, to the general purpose of religious instruction or education.

9. The composition of the Legislative and Executive Councils was represented as highly objectionable, because the judges, and other dependents on the Crown, were included in them, and because the most considerable proprietors in the country were excluded from them.

10. The attempts to alter the constitution of the Canadas, and to unite them, by Act of Parliament, into one province, formed the next alleged grievance.

11. Then followed the complaint that Parliament had perpetuated the temporary duties of Lower Canada, with a view to the apportionment of the proceeds between the two Provinces.

12. The large extent of territory appropriated as reserves for a Protestant clergy was the next head of remonstrance.

13. This was succeeded by a complaint, that the management of those lands, and the emolument resulting from them, were confined entirely to one class of Protestant clergy, those, namely, of the Established Church.

14. The petitioners further represented that the law respecting juries was insufficient, partial, and oppressive.

15. They complained that they were unable to appoint an agent to represent the Legislature in England, the office of provincial agent being at that time held, under an appointment from the Secretary of State, by the chief clerk in his office.

Finally, The English petitioners represented it as a great hardship that no convenient system for registering sales of land had been introduced, but that all conveyances were made in the forms and according to the principles of the French law.

While the Committee to which these petitions had been referred were engaged in the consideration of them, Mr. Huskisson resigned the office, and Sir George Murray received the seals of this department.

The Canada Committee proceeded to make their report. They adverted to each of the complaints already enumerated, and gave recommendations in reference to each, the substance of which will be here stated with the greatest possible brevity. The arrangement of topics pursued by the Committee does not, however, exactly correspond with that which is abstracted from the petitions.

1. They advised that the Act of Parliament respecting the tenures of land in Lower Canada should not be repealed.

2. That, with reference to the common soccage lands, some simple form of mortgage and conveyance, borrowed from the English laws, should supersede the French system.

3. That means should be taken, even by the sacrifice of the territorial rights of the Crown, to enfranchise the feudal land.

4. That local courts should be established in the townships.

5. That the French Canadians should be permitted to retain their feudal tenures, if such was their pleasure, and even to receive new grants from the Crown on the same principle.

6. That the representation of the people should be enlarged and rendered more equal, so as to admit the English to their fair share and influence in the Assembly.

7. That, to prevent the mischiefs arising from large tracts being held in a wild state by absent grantees, a tax should be imposed on uncleared land.

8. That all the revenue of the Province, except the territorial and hereditary revenues, should be placed under the control of the Assembly.

9. That proper measures should be taken to prevent future losses to the revenue by the defaults of public accountants; for which purpose securities were to be given, and a regular audit of accounts established.

10. That the Jesuits' estates should be applied to the purposes of general education.

11. That the constitution of the Legislative Council should be made more independent; that the majority of the members should consist of persons not holding offices at the pleasure of the Crown; that the judges should not be members of either Council, except that the chief justice might, on particular occasions, be summoned to the Legislative Council.

12. That Parliament should not interfere with the constitution of the Province, except in cases in which the powers of the local Legislature might be inadequate to the requisite reforms.

13. That,

Complaints of the
petitioners.

Report of Canada
Committee.

13. That, if possible, a permanent settlement should be made between the two Canadas for the apportionment of the duties levied at the port of Quebec.

14. That any defects existing in the jury law should be remedied by Acts to be made for that purpose.

In September 1828, Sir James Kempt was appointed to the Government of Lower Canada.

Sir James Kempt's
Administration,
1829.

Immediately upon Sir James Kempt's appointment, Sir George Murray addressed to him a despatch, (dated the 29th September 1828,) of which the object was to explain to what extent and in what manner it was designed to carry into effect the recommendations of the Committee.

Sir Geo. Murray's
despatch on the
Report.

On the authority of the law officers of the Crown, whose opinion on this subject had been virtually adopted and sanctioned by the Committee, Sir George Murray declared that the revenues arising from the 14 Geo. 3, had been placed by Parliament at the disposal of the Lords of the Treasury; and that it was not competent to their Lordships to divest themselves of the duty, to the discharge of which they had thus been called by the Legislature. Referring to the practice of employing the funds at the disposal of the Assembly, without their concurrence, which had been pursued by Lord Dalhousie and the Duke of Richmond, Sir George Murray laid it down as a fixed and unalterable principle that this custom should be entirely discontinued. He remarked, that as these arrangements would leave the Government in dependence upon the Assembly for many essential branches of the public expenditure, the House would necessarily acquire an indirect control over the whole revenue; and that it would remain for Parliament to consider how the Government of the Province might be extricated from these difficulties.

With a view to the service of the current year, Sir George Murray directed Sir James Kempt to address the Assembly in a speech, of which a copy was transmitted. That speech stated that the revenues subject to the disposal of the Crown consisted, 1st, of the proceeds of the 14 Geo. 3, c. 88; 2d, of the proceeds of the provincial Statute, 35 Geo. 3; 3d, of the casual and territorial revenue; and 4th, of fines and forfeitures: that from the gross amount of all these four resources the King had directed the payment of the salaries of the Governor and the judges; but that the Lords of the Treasury would abstain from exercising their power of appropriating the rest, until they could be apprized of the wishes which the House of Assembly might entertain, and of the advice they might offer on that subject. The speech then applied for all further necessary aids to be granted by the Assembly from the funds at their disposal, and recommended the passing a bill of indemnity for any past appropriations which might have been illegally made of any of the public funds of the Province.

Financial arrange-
ments for 1829,
1830.

Sir George Murray then directed Sir James Kempt to propose to the Provincial Legislature the enactment of a law requiring the Receiver-general and sheriffs to account, at short intervals, for all their receipts, and to pay them over to the Commissary-general, who, on demand, was to draw on the British Treasury for whatever should thus come to his hands.

The despatch next signified the willingness of His Majesty's Government to receive, as provincial agent, any person who should be nominated to that office by an Act to be passed by the Provincial Legislature for the purpose.

Sir James Kempt was desired to furnish all necessary explanations respecting the question of tenures, and with reference to the methods to be adopted for obviating all the inconveniences under which the Province in that respect laboured. To the local Legislature were referred the various questions of tacit mortgages, expensive forms of conveyancing, the registration of deeds, and local courts in the townships.

It was suggested that a tax should be imposed on wild land, as a remedy for the abuse of large uncleared tracts being held by absentee proprietors.

Respecting the Jesuits' estates, the constitution of the councils, and the clergy reserves, Sir G. Murray called for information, for the guidance of the Government, as to the methods by which effect could be most conveniently given to the suggestions of the Committee on those topics.

Sir James Kempt carried the preceding instructions into effect in the month of November 1828, by the communications which he then made to the Council and Assembly. In the course of the same session he transmitted to the Assembly an estimate of all the charges for the year. Against this expenditure was set the Crown revenue, as claimed by Sir George Murray's despatch; and the House were called upon to supply the deficiency. The House met this application by a series of resolutions, and by a Bill of Supply.

Sir James Kempt's
proceedings.

By the resolutions the House declared, in the most peremptory manner, that it was their right to control the receipt and expenditure of the whole public revenue arising within the Province. They then proceeded to strike off various parts of the Governor's estimate, and to pass a Bill of Supply, providing that out of the unappropriated monies in the hands of the Receiver-general, there should be paid such a sum of money as, together with the monies already appropriated by law for the purpose, should amount to the sum to which they had reduced the estimate. This Bill was accepted by the Legislative Council and by Sir James Kempt.

Proceedings of the
session 1828-9.

Thus the principle maintained by Sir George Murray, of the right of the Crown to appropriate the revenues of the 14 Geo. 3, was denied, and the course of proceeding suggested by him was declined. The House claimed the funds as their own; and instead of advising the Crown how they should be spent, assumed and exercised the right of reducing at their pleasure every part of the estimate. They appropriated, according to their own pleasure, the funds, of which the appropriation had been claimed for the Treasury.

The session of the Provincial Legislature of 1828-9 produced a second very important law. The country was divided into new electoral districts, avowedly for the purpose of

New election law.

giving to the English settlers in the townships their due share in the representation. It was alleged by the advocates of the English interest that this professed reform was altogether illusory; because, although it admitted the English to a share in the provincial legislation, it, at the same time, gave so many new members to the French interest, as to secure to that party a more decisive and permanent preponderance, in the popular branch of the Legislature, than they had previously enjoyed.

New election law accepted.

On the arrival of these Bills in England, in the summer of 1829, Sir George Murray consulted with his colleagues as to the course of proceeding to be taken on them. It was the result of those deliberations that both the Bills should be confirmed by the King.

Supply Bill of 1828-1829 disapproved, but accepted.

The acceptance of the Bill of Supply was accompanied by the expression of Sir George Murray's regret that the Assembly had been induced and permitted to usurp an authority over the revenue, which His Majesty's Government and the Canada Committee had concurred in denouncing as illegal.

Financial Bill brought into Parliament, 1829.

The debates upon the Roman-catholic Relief Bill, in the year 1829, rendered it impossible to fix the attention of Parliament to the state of the finances of Lower Canada. Yet such a Bill was introduced by Sir George Murray. The object of it was to transfer to the Canadian Assemblies the appropriation of the proceeds of 14 Geo. 3, after deducting the amount of the salaries of the chief officers of the Government, or, in other words, the securing a Civil List.

Canadian session of 1829-1830.

In the despatch announcing to Sir James Kempt the failure of his hopes of settling this question in the session of 1829, Sir G. Murray directed him to revert to the instructions which he had received in 1828, as to the method in which the estimates should be formed and the supplies voted; and the Assembly were to be admonished of the inconvenience which further interference in their illegal pretensions might occasion.

In the Canadian session of 1829-30 Sir James Kempt accordingly made the required application to the Assembly. The result was precisely the same. They again reduced the Governor's estimate, and again determined to what purposes each and every part of the ways and means for the year (the Crown revenue included) should be applied.

1830.
Lord Ripon's instructions.

The seals of the Colonial department were transferred, in November 1830, to Lord Ripon. In the preceding month the Government of Lower Canada had been resigned by Sir James Kempt into the hands of Lord Aylmer. Lord Ripon assumed the office at that precise season of the year at which it was essential that despatches should be sent to Canada for the instruction of the new Governor. His Lordship, therefore, within eight days from his appointment, wrote a despatch, in which he was under the necessity of avowing his want of preparation for the task; and Lord Aylmer was, in effect, directed to make the best temporary arrangement he could. In order to meet the difficulty of supplying the deficit left in the preceding years, upon the Governor's estimate, Lord Ripon drew up a list of reductions which would very nearly, if not altogether, have brought the demands of the Government to an exact level with the measure of bounty manifested by the Assembly in the two last sessions.

1830.
Lord Ripon's proposed Civil List, 19,000 £.

Within a month, however, from his accession to office, Lord Ripon was able to digest and to transmit to Lord Aylmer more comprehensive instructions for his guidance. In substance they were, that the Crown should abandon the revenues of 14 Geo. 3, with some other small sources of income, to the Assembly, in exchange for a Civil List amounting to 19,100 £. Of that amount, 5,000 £. were to be defrayed from the grant of 5,000 £. per annum, already made by the Canadian Act, 35 Geo. 3, c. 9; so that the new appropriation to be solicited from the House would amount only to 14,100 £. This Civil List was required, either for the King's life, or for seven years; and Lord Ripon announced the intention of the Government to bring into Parliament a Bill by which the Treasury would be authorized to surrender to the Assembly the appropriation of the revenues of the 14 Geo. 3.

1830.
Lord Ripon's financial instructions.

With these instructions was transmitted to Lord Aylmer a separate despatch, directing the purposes to which the hereditary revenue of the Crown (that is, the Land and Timber Fund) should be applied. Of these objects, the maintenance of the clergy of the Church of England was the chief.

1831.
Messages between Lord Aylmer and the Assembly.

Lord Aylmer, in obedience to these instructions, made the required communications to the House of Assembly in February 1831, and laid before them the estimates for that year. He further enumerated, for their information, all the funds constituting the casual and territorial revenue. Then arose a series of communications between the House and the Government, to which some reference is indispensable. The House applied for accounts of the gross amount of the casual and territorial revenue for each year from the year 1818, which the Governor immediately promised. The House then asked for copies of all his instructions and despatches touching the financial affairs of the Province. This Lord Aylmer declined to supply. Another address applied for an explanation in detail of the votes proposed to be taken in the Civil List for contingencies, miscellaneous, and pensions. The Governor stated himself to be unable to furnish such details. Then the House asked for an account of the proceeds of the Jesuits' estates. Lord Aylmer answered, that he did not think himself at liberty to produce them. They next demanded an account in detail of the receipt and expenditure of the territorial revenue. This also the Governor declined to furnish. Next, the House inquired what use the Government meant to make of the territorial revenue. They were told in general that it was to be applied in part towards education and the maintenance of the clergy. Finally, they addressed Lord Aylmer for information about any Bill brought or to be brought into Parliament respecting the finances of the Province. His Lordship told them that he knew nothing more than the general intention of the Government to obtain a Bill relieving the Treasury from the duty of appropriating the 14 Geo. 3.

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All these communications were prefatory to proceedings in which the Assembly resumed their hostile attitude towards the King's Government. The Governor's estimate and messages having been referred to a Committee, a report was made to the House strongly condemnatory of the claim advanced by the Government to the appropriation of the revenue, 14 Geo. 3, and declaring that the most material of the recommendations of the Canada Committee had not been carried into effect. The Committee then reported their opinion that it was inexpedient that any further provision for the expenses of Government should be made.

1831.
Resolution to grant
no supply.

The House adopted and concurred in this report. They further resolved that the chief cause of all the abuses was to be found in the constitution of the Legislative Council.

Before the close of the session the House passed a Bill of Supply for the year, upon the same principle as that observed in the two preceding years.

1831.
Supply Bill passed.

Lord Aylmer appears to have felt the urgent necessity of bringing, if possible, to some definite issue the questions in debate between the Government and the House of Assembly; and, therefore, in an address to them of the 23d March 1831, he urged them, in terms of the utmost emphasis, to let him know the whole extent of their grievances. "Am I," he says, "to understand that the petition which I have just heard read conveys all that the House of Assembly have to complain of up to this day? Or am I to understand that there remains something behind—some unripe grievance or complaint, which it may be intended to bring forward hereafter, when those now produced shall have been disposed of? This is the information I ask of you. This, gentlemen, is the information which I will even implore you to afford me," &c. To these instances no other answer was made than that which was contained in the petition to which the Governor referred. That petition embraced, under twenty distinct heads, the whole catalogue of grievances which, in March 1831, the Assembly thought proper to record for His Majesty's information.

1831.
Lord Aylmer's demand for a complete
statement of grievances.

On the 7th July 1831, Lord Ripon addressed a despatch to Lord Aylmer, in which, with reference to the last-mentioned petition, he discussed each of the complaints of the House of Assembly. By that despatch, the Jesuits' estates were surrendered to the disposal of the Legislature for the support of education. All accounts of past receipt and expenditure connected with those estates were to be laid before the Assembly. All the money which had been recovered from Mr. Caldwell or his heir was to be placed at the disposal of the House. The Governor was directed to fulfil every engagement at any former time made by the Crown to appropriate land for the support of education. An assurance was given, that in all modifications of the laws of trade which might be recommended to Parliament, the commercial interests of the Province would be steadily borne in view. The Governor was directed to assent to any Bills which might be presented to him, to enable towns and other local districts to manage their own affairs. The King's concurrence was promised to any laws which might be made for simplifying the general rules respecting the purchase, alienation, and descent of land in the Province. Lord Aylmer was instructed to reject no Bill which the Legislature might see fit to pass for improving the administration of justice. An offer was made to recommend to Parliament the repeal of any English Statute respecting the tenure of lands in Canada which the Provincial Legislature might think objectionable. The judges were earnestly advised to decline all interference in the political affairs of the Province; and, with that view, such of them as were members of the Council were informed that it was His Majesty's wish that they should abstain from acting in that character. The desire to prefer the English to the Canadian colonists in the distribution of the public offices was disavowed in the most peremptory terms. Sir George Murray's proposal for bringing all public accountants to frequent and effective audits was repeated. The co-operation of the King's Government was promised in any measures which the Legislatures of Upper and Lower Canada might concur in recommending for the apportionment between them of the import duties levied at Quebec.

July 1831.
Lord Ripon's conciliating despatches.

In a despatch of the same year, Lord Goderich signified His Majesty's pleasure, that, upon the salaries of the judges being made permanent, and being secured on funds not liable to be withdrawn by the Assembly, their offices should be held during good behaviour, and he authorized Lord Aylmer to assent to any Bill properly framed for that purpose.

In the same year, as an effectual remedy against improvident grants of land, Lord Ripon instructed the Governor, that for the future, no grants of land whatever were to be made gratuitously, but that all was to be disposed of by public auction at a reasonable upset price.

By these various communications, the whole series of Canadian grievances, as recorded in the resolutions and petition of the Assembly of 1831, were remedied, so far as they were remediable, by the Executive Government. The much-agitated question of finance required the aid of Parliament, and that aid was at length afforded.

At the close of the session of Parliament of 1831, an Act was passed, which, without qualification or reserve, transferred to the Assembly the appropriation of the revenue of 14 Geo. 3, c. 88. This Act was transmitted to Lord Aylmer in a despatch of the 29th September 1831. In that despatch Lord Aylmer was directed to apply to the Assembly for a Civil List, amounting to 16,350*l.* per annum, in which was included the whole judicial establishment. In the contingency of any Bill being tendered to Lord Aylmer, framed on the principle of leaving the judges and the chief officers of Government dependent on the Assembly for their salaries, the Governor was directed neither to accept nor to reject it, but to reserve it for the signification of the Royal pleasure.

Revenue of 14 Geo.
3 given up to the
Assembly.

The Canadian Assembly met in the winter of 1831. They began with resolutions expressive of unusual cordiality and satisfaction with the instructions addressed by Lord Ripon to the Governor. On proceeding to the despatch of business, the House commenced by passing

Session of 1831-2.

a Bill to secure the independence of the judges, and to erect the Legislative Council into a court for the trial of impeachments, to be preferred by the House of Assembly. The Civil List demanded by the Crown, exclusive of the judges' salaries, amounted only to 5,900 *l.* The House, however, refused to entertain the consideration of it. They contented themselves with passing a Bill, by which 58,095 *l.* 0 *s.* 9 *d.* were granted towards defraying the expenses of the administration of justice, and the support of the Civil Government. Thus, though in the same session the judges had been professedly made independent by one Bill, yet in a second Bill their salaries were made the subject of a temporary grant.

Supply Bill and Judges' Independent Bill reserved.

Supply Bill accepted, Judges' Bill disallowed.

These Bills were reserved by the Governor for the signification of the Royal pleasure. They were noticed by Lord Ripon in terms of grave and earnest regret. The money granted by the Bill of Supply had been appropriated, not by that, nor by any subsequent Act, but merely by votes of the Assembly, to certain specific services; and the House had not even condescended to notice the King's application for a Civil List. Still the Supply Bill was confirmed, to avert the inconvenience which its rejection must have caused. But Lord Aylmer was informed that henceforth the King would provide for the chief officers of Government from the revenues at his own disposal, and would repeat no more his application for a Civil List. The Judicial Bill was disallowed,—because it expressly claimed a right to appropriate the territorial and casual revenue; thus tacking to the Bill an object foreign to its professed scope;—because it still, in effect, left the judges dependent on the annual votes of the Assembly;—and, because, travelling far beyond the immediate occasion, it erected a tribunal, not for the trial of the judges only, but of any officers who might be impeached by the Assembly.

Session of 1832-3.

The provincial session of the winter of 1832 commenced with the expulsion, for the third time, of Mr. Christie, a member of the House, who had made himself obnoxious to the dominant majority. They then proceeded to protest against the terms in which, at the close of the preceding session, Lord Aylmer had expressed his regret for the rejection of the proposed Civil List. Their next measure was to pass a Bill of Supply and Appropriation. Against the sums granted for the support of seventeen different officers were introduced, in the schedule attached to the Bill, certain notes stating the conditions upon which alone those grants were to take effect. This Bill was rejected by the Council, on the ground, as it should seem, of their disapprobation of the form and substance of the annexed conditions. An amended Bill for securing the independence of the judges was brought into the Assembly, but was lost in that House.

Another change now occurred in the administration of Colonial affairs; the seals of this department having, in the spring of 1833, been transferred to Mr. Stanley.

Riot at Montreal.

The session of the Canadian Assembly for 1832-3 lasted for an unusual period. It was chiefly distinguished by a protracted inquiry into the case of a riot which had taken place at Montreal, in which some persons had been killed by the military. The House did not close that investigation, though it consumed the greater part of their time. They also declared the seat of M. Mondelet, one of their members, vacant; he having accepted a place in the Executive Council. The Governor, as Keeper of the Great Seal, was called upon to issue a writ for a new election in M. Mondelet's room. This, however, he refused to do, alleging that there was no law in the Province by which, for the cause assigned in Mondelet's case, a seat would become vacant. The session was productive of little or no practical result.

Mondelet's case.

Mr. Stanley's despatch, 1833.

Mr. Stanley entirely approved the Governor's decision not to issue a new writ for the city of Montreal. He condemned the lost Supply Bill as having attempted to establish the objectionable system of "tacking." He directed the Governor to apply that part of the provincial revenue of which the Crown claims the appropriation, as far as it would extend, to meet the judges' salaries and the rejected Civil List; and he declared that the responsibility for all the consequences which must flow from the failure of other supplies would rest with the Assembly.

Ninety-two resolutions of grievances.

The session of 1833-4 came to an abrupt determination. It was at first proposed in the Assembly that no communication whatever should be held with Lord Aylmer, and that no public business should be transacted. This purpose was, however, abandoned; and ninety-two resolutions were adopted by the House, recapitulating all their grievances. These resolutions were then incorporated into petitions to both Houses of Parliament, and M. Morin, a member of the House, was charged with the carriage of them to this country.

Mr. Stanley, in the month of April 1834, moved the appointment of a Committee of the House of Commons to inquire how far the recommendations of the Committee of 1828 had been complied with by the King's Government; and also to inquire into the grievances set forth in the resolutions of the House of Assembly of the session of 1833-4.

Report of Canada Committee of 1834.

The Committee sat till near the end of June, and then reported to the House that the most earnest anxiety had existed on the part of the Home Government to carry into effect the suggestions of the Committee of 1828; and that the endeavours of the Government to that end had been unremitting, and guided by the desire, in all cases, to promote the interest of the Colony; and that in several important particulars their endeavours had been completely successful. They proceeded to refer the existing animosities to some mutual misconception; and expressed their opinion that they should best discharge their duty by making no report on the points still in dispute. They declared themselves persuaded that the practical measures for the future administration of Lower Canada might best be left to the mature consideration of the Government responsible for their adoption and execution. They reported their opinion that it would not be expedient to lay before the House the evidence they had taken.

(signed) *Aberdeen,*

EARL ABERDEEN TO EARL AMHERST.

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Enclosure, No. 2, in Lord *Aberdeen's* Despatch to Lord *Amherst*, dated 2d April 1835.
(No. 2.)

A MINUTE, showing in what manner the Recommendations of the CANADA COMMITTEE of 1828 have been carried into execution by His Majesty's Government.

IN the following pages Lord *Aberdeen* will attempt to show that there was sufficient reason to anticipate the entire conciliation of Lower Canada from the accomplishment of the resolutions of the Canada Committee, and that to the utmost of the power of the Crown those resolutions were in fact carried into execution.

Minute relative to Recommendations of Canada Committee of 1828.

The appointment of the Canada Committee of 1828 was, on every account, an important proceeding. The redress of grievances had been demanded, not by an isolated party, but by both of those great bodies which divide between them the wealth and political authority of the Province; with views essentially dissimilar, or rather hostile, they had concurred in an appeal to the metropolitan Government.

By each body of petitioners were deputed agents authorized to interpret their wishes, and to enforce their claims. The Committee itself was certainly not composed of gentlemen unfavourable to the views of the great numerical majority of the House of Assembly; they prosecuted the inquiry with great diligence and zeal; they examined the agents of both parties and every other person capable of throwing light on the subject referred to them. None of the questions brought under their notice, either by the petitioners or by the witnesses, were unexplored, and in the result a report was made, in which, with an explanation of every known or supposed grievance, were combined suggestions for the guidance of the Executive Government in applying the appropriate remedies.

The House of Assembly in Lower Canada, in their answer to the address with which the administrator of the Government opened the session of the Provincial Parliament in the winter of 1828, characterized this report in terms which may be transcribed as expressing, on the highest local authority, the claims of that document to respect, as affording a guide at once to the Canadian Assembly and to the Ministers of the Crown, of the rights to be asserted by the one and conceded by the other. "The charges and well-founded complaints (observed the House) of the Canadians, before that august senate, were referred to a Committee of the House of Commons indicated by the colonial Minister, that Committee exhibiting a striking combination of talent and patriotism, uniting a general knowledge of public and constitutional law to a particular acquaintance with the state of both the Canadas, formerly applauded almost all the reforms which the Canadian people and their representatives demanded and still demand. After a solemn investigation, after deep and prolonged deliberation, the Committee made a report, an imperishable monument of their justice and profound wisdom, an authentic testimonial of the reality of our grievances and of the justice of our complaints, faithfully interpreting our wishes and our wants. Through this report, so honourable to its authors, His Majesty's Government has become better than ever acquainted with the true situation of this Province, and can better than ever remedy existing grievances and obviate difficulties for the future." Language more comprehensive or emphatic could not have been found in which to record the acceptance by the House of Assembly of the report of 1828 as the basis on which they were content to proceed for the adjustment of all differences. The questions in debate became thenceforth, by the common consent of both parties, reducible to the simple inquiry whether the British Government had, to the fullest extent of their lawful authority, faithfully carried the recommendations of the Committee of 1828 into execution.

On a review of all the subsequent correspondence, Lord *Aberdeen* finds himself entitled to state, that in conformity with the express injunctions and the paternal wishes of the King, His Majesty's confidential advisers have carried into complete effect every suggestion offered for their guidance by the Committee of the House of Commons.

It is necessary to verify this statement by a careful and minute comparison between the advice received and the measures adopted. To avoid the possibility of error, the successive recommendations of the Committee of 1828 shall be transcribed at length, with no other deviation than that of changing the order in which the topics are successively arranged in their report; an order dictated by considerations of an accidental and temporary nature, but otherwise inconvenient as postponing many of the weightier topics to some of comparatively light importance.

First, then, the report of 1828 contains the following advice of the Canada Committee on the subject of finance: "Although from the opinion given by the law officers of the Crown, your Committee must conclude that the legal right of appropriating the revenues arising from the Act of 1774 is vested in the Crown, they are prepared to say that the real interests of the Provinces would be best promoted by placing the receipt and expenditure of the whole public revenue under the superintendence and control of the House of Assembly." "If the officers above enumerated are placed on the footing recommended," (that is, in a state of pecuniary independence on the Assembly) "your Committee are of opinion that all the revenues of the Province, except the territorial and hereditary revenues, should be placed under the control and direction of the Legislative Assembly."

The strict legal right of the Crown to appropriate the proceeds of the Statute 14 Geo. 3, c. 88, being thus directly maintained, the renunciation of that right was recommended on condition that "the Governor, the members of the Executive Council, and the judges should be made independent of the annual votes of the House of Assembly for their respective salaries." What then has been the result? His Majesty has renounced these his acknow-

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ledged legal rights, but has not stipulated for the performance, on the part of the Assembly, of the conditions thus imposed upon them, and to the present moment that condition remains unfulfilled. By the British Statute 1st & 2d Will. 4, c. 73, which was introduced into Parliament by His Majesty's then confidential advisers, the appropriation of the revenues of the 14th Geo. 3 is transferred to the Assembly absolutely, and without either that qualification which the Committee proposed, or any other. Here, then, it cannot be denied that their advice has been followed, not only with implicit deference, but in a spirit of concession which they did not contemplate.

2. On the subject of the representation of the people in Lower Canada, the opinion of the Committee was expressed in the following terms: "Your Committee are now desirous of adverting to the representative system of Lower Canada, with respect to which, all parties seem to agree that some change should take place." After detailing the various causes which had led to an inequality in the number of the members of the Assembly in favour of the French inhabitants of the seigneuries, and therefore to the prejudice of the inhabitants of English origin in the townships, the Committee passed from the subject, with the following general remark: "In providing a representative system for the inhabitants of a country which is gradually comprehending within its limits newly peopled and extensive districts, great imperfections must necessarily arise from proceeding in the first instance on the basis of population only. In Upper Canada a representative system has been founded on the compound basis of territory and population. This principle, we think, might be advantageously adopted in Lower Canada."

It was with the entire concurrence of His Majesty's Government that the Legislature of Lower Canada assumed to themselves the duty of giving effect to this part of the advice of the Committee. That report had laid down the general principle, that, with one exception, "all changes, if possible, be carried into effect by the local Legislature themselves," and to that principle the Ministers of the Crown adhered, even in a case where the dominant majority of the Assembly had an interest directly opposed to that of the great body of English inhabitants, for whose special relief the new Representation Bill was to be enacted. Such a Bill was accordingly passed, and was reserved for the signification of His Majesty's pleasure. It actually received the Royal assent, and is, at this day, the law of the Province.

In this case also the concessions made to the Canadian inhabitants of French origin were far greater than the authors of the report of 1828 could have had in contemplation. The Upper Canadian principle, of combining territory and population as the basis of elective franchise, was not adopted in Lower Canada; the Assembly substituted for it a new division of the country, of which the effect has been to increase rather than to diminish the disproportion between the number of members returned by the English and those representing the French Canadian interest. This result of the Bill was distinctly foreseen by the official advisers of the Crown, and it became the subject of grave deliberation whether His Majesty should be advised to acquiesce in a scheme which followed the advice of the Canada Committee, so far indeed as to effect a material change in the representative body, and so far as to give to the English settlers a few more voices in the Assembly, but not so far as to secure to them any additional weight in the deliberations of that House. It is not within the object of this Minute to defend or to explain the motives of the ultimate decision in favour of the Bill. For the present purpose it is enough to say, that the acceptance of it gave to the Canadians of French origin far more than the report of 1828 authorized them to expect.

3. Inferior only in importance to the topics already noticed is that of the independence of the judges, respecting which the following passage may be extracted from the report of 1828: "On the other hand, your Committee, while recommending such a concession on the part of the Crown," (the concession, that is, of the revenue,) "are strongly impressed with the advantage of rendering the judges independent of the annual votes of the House of Assembly for their respective salaries. Your Committee are fully aware of the objections in principle which may be fairly raised against the practice of voting permanent salaries to judges who are removable at the pleasure of the Crown; but being convinced that it would be inexpedient that the Crown should be deprived of that power of removal, and having well considered the public inconvenience which might result from their being left in dependence upon an annual vote of the Assembly, they have decided to make the recommendation in their instance of a permanent vote of salary."

Thus the Canada Committee of 1828 were of opinion that the judges ought to be independent of the Assembly for their incomes, but ought to continue liable to removal from office at the pleasure of the Crown. Yet, so far have the British Government been from meting out relief to the Province grudgingly, or in any narrow spirit, that they have left nothing unattempted which could secure to the judges, not merely that pecuniary independence which the Committee advised, but that independent tenure of office also which their report expressly dissuaded. In the adjacent Province of Upper Canada, both objects have been happily accomplished. In his despatch of the 8th April 1831, No. 22, the Earl of Ripon explained to Lord Aylmer the course of proceeding which had been adopted for asserting the independence of the judges in this kingdom, and signified to the Governor His Majesty's commands to avail himself of the earliest opportunity for proposing to the Legislative Council and Assembly of Lower Canada the enactment of a Bill, declaring, that the commissions of all the judges of the Supreme Courts should be granted to endure during their good behaviour, and not during the Royal pleasure; and Lord Aylmer was further instructed, in the name and on behalf of His Majesty, to assent to a Bill for carrying that object into effect. Lord Ripon, however, declared it to be, "of course, an essential condition of this arrangement that an adequate and permanent provision should be made for the judges." It remains to state the result. A Bill was passed by the House of Assembly, by which, indeed the

the tenure of the judicial office was made to depend on the good behaviour of the judges, and by which a provision, adequate in amount, was made for them. But that provision was so granted as to be liable to be diminished or taken away by the annual votes of the House of Assembly. To this measure, so popular in its general character or pretensions, were also "tacked," to adopt the usual parliamentary phrase, clauses, by which a right to dispose of the territorial revenue of the Crown was asserted, and by which all the public officers in the Colony, the Governor himself not being expressly excepted, were made amenable to a tribunal to be constituted for the trial of all impeachments preferred by the representatives of the people. Such was the return made to an act of grace, which the Canada Committee themselves had expressly dissuaded. To have acquiesced in it would have involved a sacrifice of whatever is due to the dignity of the King, and to the liberties of His Majesty's subjects. His Majesty's assent was therefore withholden, though not without the expression of the deepest regret, and the most distinct offer to assent to any other Bill for establishing the independence of the judges which should be exempt from such objections. The House of Assembly, however, have never since tendered an act of that nature for the acceptance of His Majesty, or of His Majesty's representative in the Province.

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4. The next topic is that of the composition of the Legislative and Executive Councils, respecting which the following suggestions occur in the report of 1828: "One," it is said, "of the most important subjects to which their inquiries have been directed has been the state of the Legislative Councils in both the Canadas, and the manner in which these assemblies have answered the purposes for which they were instituted. Your Committee strongly recommend that a more independent character should be given to these bodies; that the majority of their members should not consist of persons holding offices at the pleasure of the Crown; and that any other measures that may tend to connect more intimately this branch of the constitution with the interest of the colonies would be attended with the greatest advantage. With respect to the judges, with the exception only of the Chief Justice, whose presence on particular occasions might be necessary, your Committee entertain no doubt that they had better not be involved in the political business of the House. Upon similar grounds it appears to your Committee that it is not desirable that judges should hold seats in the Executive Council."

With what scrupulous exactness these recommendations have been followed will now be shown. With respect to the judges, Lord Ripon, in the despatch of the 8th of February already quoted, conveyed to Lord Aylmer His Majesty's commands to signify to the Legislative Council and Assembly His Majesty's settled purpose to nominate on no future occasion any judge as a member either of the Executive or of the Legislative Council of the Province. It was added, that the single exception to that general rule would be, that the Chief Justice of Quebec would be a member of the Legislative Council, in order that the members of that body might have the benefit of his assistance in framing laws of a general and permanent character. But His Majesty declared his purpose to recommend even to that high officer a cautious abstinence from all proceedings by which he might be involved in any political contentions of a party nature.

It was not in the power of the King's Government to remove from the Legislative Council any of the judges who had already been appointed to be members of that body, because the terms of the Constitutional Act secure to them the enjoyment of their seats for life. But in a private despatch of the same date, the four gentlemen who had at that time combined the judicial character with seats in the Council were earnestly exhorted to resign their places as councillors, and were assured that nothing should be wanting to rescue them from any possibility of misconstruction as to the motives by which that advice had been dictated or obeyed. In point of fact, it was not accepted; but the judges unanimously agreed to withdraw from all active interference in the business of the Council, and have never since attended its sittings. The Chief Justice indeed, as was recommended by the Canada Committee, forms the single exception; but even that gentleman, as far as the information of this office extends, has confined his interference within the limits prescribed to him by the Committee, and by the Earl of Ripon.

The principles laid down by the Committee of 1828 for regulating the composition of the Legislative Council have been not less strictly pursued in every other respect. Since the date of their report 18 new members have been appointed. Of that number, there is not one who holds any office or place of emolument at the pleasure of the Crown, or who is in any other manner dependent upon the favour of His Majesty or of his official advisers. Of the 18 new members, 10 are of French origin. The total number of councillors is 35, of whom only seven hold public offices. Amongst them is the Bishop of Quebec, who is, in the fullest sense of the term, independent of the Crown. The Chief Justice, whose dependence is altogether nominal, is another. Of the whole body of 35 members, there remain therefore but five over whom the Executive Government can, with any reason or plausibility, be said to possess any direct influence.

It is, therefore, not without a reasonable confidence that the words in which the Committee of 1828 suggest the proper composition of the Legislative Council may be adopted as precisely descriptive of the manner in which it is actually composed. "A more independent character" has been given to that body. The "majority of the members does *not* consist of persons holding office at the pleasure of the Crown." This branch of the constitution has been connected "more intimately with the interest of the province" by the addition of a large body of independent Canadian gentlemen.

But the case may be carried still farther, and it may be shown that, in respect to the Councils, the efforts of Lord Aberdeen's predecessors have left behind them the advice of the Canada Committee. The Executive Council has also been strengthened by the addition

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of three members of French origin. A seat was offered to Mr. Neilson, the most prominent of the delegates from the House of Assembly of 1828, and to Mr. Papineau, the Speaker of that House. It need scarcely be said that it was impossible to give a more decisive proof of the wish of the Ministers of the Crown that the composition of the Canadian Councils should be acceptable to the great majority of the people.

5. The next in order of the recommendations of that Committee relates to the clergy reserves, a subject on which they employed the following language: "As your Committee entertain no doubt that the reservation of these lands in mortmain is a serious obstacle to the improvement of the colony, they think every proper exertion should be made to place them in the hands of persons who will perform upon them the duties of settlement, and bring them gradually into cultivation."

Although the views of the Committee were thus limited to the improvement of the clergy reserves, the Government advanced to the redress of the evil indicated in the report, by a measure not only far more decisive, but eminently remarkable for the confidence it expressed in the Provincial Legislature. The Constitutional Act having authorized His Majesty, with the advice of the Legislative Council and Assembly, to vary or repeal any of the provisions therein made for the allotment and appropriation of lands for the support of the Protestant clergy, Lord Ripon, availing himself of that enactment, proposed that the power of repeal should be exercised by those bodies, and should be accompanied with a declaration that the reserve lands should merge in the general demesne of the Crown. The object of this proposal was to bring the reserves within the reach of the general rules under which all the waste lands of the Province are progressively sold to the highest bidder. To prevent any possible misconception of the views of His Majesty's Government, the draught of a Bill for the accomplishment of this design was transmitted to Lord Aylmer, with instructions to give his assent, if such a law should be presented for his acceptance. To obviate the risk of offence being given, by suggesting to the House of Assembly the exact language, as well as the general scope of a measure to originate with them, Lord Aylmer was directed to proceed with the most cautious observance of the privileges of that body, and of all the constitutional forms. Anticipating the contingency of the measure being adopted in substance, but with variations in the terms, Lord Ripon further stated that in that event the Bill was not to be rejected by the Governor, but was to be specially reserved for the signification of His Majesty's pleasure.

In obedience to these directions, the Bill was introduced into the House of Assembly, but did not pass into a law. That it would have effectually removed the grievance pointed out by the Canada Committee has not been disputed, nor can the Ministers of the Crown be held in any sense responsible for the continuance of an evil for which they had matured so complete a remedy. The only explanation which has ever been given of the failure of the proposal is, that the Solicitor-general, Mr. Ogden, had used some expressions, whence it was inferred that His Majesty's Government would reject the Bill if altered in a single word. It is scarcely credible that this should be an accurate surmise of the real cause of the loss of the Clergy Lands Appropriation Bill. It is not to be believed that the Assembly of Lower Canada would have rejected an unobjectionable proposal for the redress of a grievance of which complaint had been long and loudly made, for no other reason than that a public officer, not of the highest rank or consideration, had used some casual expression in which the ultimate views of His Majesty's advisers were inaccurately explained. To the Governor application could have immediately been made for more authentic information; and in fact the tenor of the despatch which had been received by Lord Aylmer was perfectly well known throughout the Province to every person who felt any interest on the subject. The measure has never since been revived; and it must be therefore assumed that the Assembly are less anxious than Lord Ripon supposed for the removal of this obstruction to agriculture and internal improvement. Be that as it may, the British Government are completely absolved from the responsibility thrown upon them by this part of the report of the Canada Committee.

6. That body proceeding to other subjects connected with the wild lands of the Province, expressed their opinion that "it might be well for the Government to consider whether the Crown reserves could not be permanently alienated, subject to some fixed moderate reserved payment, either in money or in grain, as might be demanded, to arise out of the first 10 or 15 years of occupation." They add, "that they are not prepared to do more than offer this suggestion, which appears to them to be worthy of more consideration than it is in their power to give to it; but that in this, or in some such mode, they are fully persuaded the lands thus reserved ought, without delay, to be permanently disposed of."

In pursuance of this advice, Lord Ripon directed the sale of the Crown reserves throughout the Province, as opportunity might offer, precisely in the same manner as any other part of the Royal demesne. The system has undergone an entire change, and the Crown reserves considered as distinct allotments, left in their wild state to draw a progressive increasing value from the improvement of the vicinity, have no longer any existence.

7. Another abuse connected with the wild lands of Lower Canada was noticed by the Committee in the following language: "One of the obstacles which is said greatly to impede the improvement of the country is the practice of making grants of land in large masses to individuals who had held official situations in the colony, and who had evaded the conditions in the grant, by which they were bound to provide for its cultivation, and now wholly neglect it. Although powers have been lately acquired by the Government to estreat those lands, and although we think that, under certain modifications, this power may be advantageously used, we are nevertheless of opinion that a system should be adopted similar to that

that of Upper Canada by the levy of a small annual duty on lands remaining unimproved and unoccupied, contrary to the conditions of the grant.

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The remedial measure of a tax on wild land, which is suggested in the preceding passage, could of course originate only with the representatives of the people, and the House of Assembly have not indicated any disposition to resort to that mode of taxation. To such a Bill, if tendered by them, His Majesty's assent would have been cheerfully given; yet the King's Government did not omit to avail themselves of all those remedial powers with which the Crown is intrusted. It is little to say, (though it may be stated with the strictest truth) that since the date of the report the system reprobated by the Committee, of granting land in large masses to individuals, has been entirely discontinued; it is more material to add, that this change in practice is the result of a series of regulations established, on Lord Ripon's advice, in Lower Canada, and indeed throughout all the other British Colonies. The system of gratuitous donations of land has been abandoned absolutely and universally, and during the last three years all such property has been disposed of by public auction to the highest bidder, at such a minimum price as to insure the public at large against the waste of this resource by nominal or fictitious sales. This is not the occasion for vindicating the soundness of that policy, which, however, if necessary, it would not be hard to vindicate. It is sufficient for the immediate purpose of this Minute to have shown that on this as on other topics the Ministers of the Crown did not confine themselves to a servile adherence to the mere letter of the Parliamentary recommendation, but embraced and gave the fullest effect to its genuine spirit.

8. The Committee sought to relieve the Province, not only from the evils of improvident reservations and grants of wild lands, but from those incident to the tenures on which the cultivated districts are holden. The following passages on this subject appear in their report: "They do not decline to offer as their opinion that it would be advantageous that the declaratory enactment in the Tenures Act respecting lands held in free and common soccage should be retained. Your Committee are further of opinion that means should be found of bringing into effective operation the clause in the Tenures Act which provides for the mutation of tenure; and they entertain no doubt of the inexpediency of retaining the seigneurial rights of the Crown, in the hope of deriving a profit from them. The sacrifice on the part of the Crown would be trifling, and would bear no proportion to the benefit that would result to the colony from such a concession. The Committee cannot too strongly express their opinion that the Canadians of French extraction should in no degree be disturbed in the peaceful enjoyment of their religion, laws, and privileges, as secured to them by the British Acts of Parliament; and so far from requiring them to hold lands on the British tenure, they think that when the lands in the seigneuries are fully occupied, if the descendants of the original settlers shall still retain their preference to the tenure of Fief et Seigneurie, they see no objection to other portions of unoccupied lands in the Province being granted to them on that tenure, provided that such lands are apart from, and not intermixed with the townships."

The British Government are again entitled to the claim of having to the utmost possible extent regulated their conduct by the language, and still more by the spirit of this advice.

No application has been made for the creation of a new seigneurie, as indeed the period contemplated by the Committee when the seigneurial lands would be fully occupied still seems very remote. It is almost superfluous to add that no attempt has been made to superinduce upon those lands any of the rules of the law of England.

The Crown has also been prompt to bring into the most effective operation the clause of the Canada Tenures Act which provides for the mutation of tenures; but no lord or censitaire having hitherto invoked the exercise of the powers of the Crown, they have, of necessity, continued dormant. Respecting the soccage lands, some explanation seems necessary. The general principle adopted by the Committee, in the passage already quoted, is, that the inhabitants, both of French and of British origin, should respectively be left in the enjoyment of the laws regulating the tenures of their lands derived from their different ancestors, and endeared to either party by habit, if not by national prejudices. It has already been shown that the French Canadians have enjoyed the benefit of this principle to the fullest possible extent; in the anxiety which has been felt to gratify their wishes, it may not be quite clear that equal justice has been rendered to the inhabitants of British descent. The maintenance of so much of the Canada Tenures Act as rendered the soccage lands inheritable and transmissible according to English law, was most unequivocally recommended in the extracts already made from the report. The Provincial Legislature, however, in their session of 1829, made provision for the conveyance of such lands in a manner repugnant to this British Statute; of course His Majesty could not be advised to assent to a law which directly contravened an Act of Parliament. Such, however, was the anxiety of the King's Ministers to avoid every needless cause of jealousy, that a Bill (1 Will. 4. c. 20) was introduced into Parliament by Lord Ripon, and passed into a law, in order to relieve His Majesty from this difficulty. The Canadian Act was then accepted; nor was this all: striving to multiply to the utmost possible extent every proof and expression of respect and confidence towards the Provincial Legislature, the Government introduced into the British Statute, which has been last mentioned, a further enactment, of which the effect was to absolve the Canadian Legislature in future from every restraint laid upon them by any Act of Parliament regulating the various incidents of the soccage tenure in the Province. The barriers erected for the defence of the British settlers by the caution

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of Parliament in the years 1791 and 1826, were thus overthrown, in order that there might be the fewest possible exceptions to the principle of confiding to the Canadian Legislature the regulation of the internal interests of Lower Canada. No one will deny that this unsolicited concession was made in the spirit of the most large and liberal acceptance of the advice of the Canada Committee, so far at least as the views and interests of the dominant majority of the House of Assembly are concerned.

9. The next is the subject of the Jesuits' estates, in reference to which the views of the Committee of 1828 are expressed as follows: "With respect to the estates which formerly belonged to the Jesuits, your Committee lament that they have not more full information, but it appears to them to be desirable that the proceeds should be applied to the purposes of general education."

Far, indeed, beyond the letter of this advice did the concessions made by His Majesty, on the advice of Lord Ripon, proceed: not only were the Jesuits' estates "applied to purposes of general education," but the Provincial Legislature were authorized to determine what specific purposes of that kind should be preferred, and the proceeds of the estates were placed for that purpose unreservedly under their control. No suggestion has been made impeaching the fulness of this concession, except as far as respects certain buildings occupied for half a century past as a barrack; even if a rent should be payable by the Crown for the use of those barracks (the single question admitting of debate), it would be idle on that ground to deny either the importance of the concession made, or the almost unbounded confidence in the House of Assembly, perceptible in the form and manner in which the Crown renounced to them, not merely a proprietary right, but even an administrative function.

10. To the positive recommendations which have already been considered, succeeds another, of which the end is rather to dissuade than to advise the adoption of any specific measure: "The Committee (it is said) are desirous of recording the principle which, in their judgment, should be applied to any alterations in the constitutions of the Canadas, which were imparted to them under the formal Act of the British Legislature of 1791. That principle is to limit the alterations which it may be desirable to make by any future British Acts, as far as possible, to such points as, from the relation between the mother country and the Canadas, can only be disposed of by the paramount authority of the British Legislature, and they are of opinion that all other charges should, if possible, be carried into effect by the local Legislatures themselves, in amicable communications with the local Government."

So rigidly has this principle been observed, that of two Acts of Parliament which since 1828 have been passed, with reference to the internal concerns of the Province, the common object has been so to enlarge the authority of the Provincial Legislature as to enable his Majesty to make, with their concurrence, laws, to the enactment of which they were positively incompetent. The Acts in question are those already noticed, by which the revenues of Geo. 3 were relinquished, and the regulation of soccage tenures was transferred to the Governor, Council, and Assembly.

11. "The Committee," again to borrow their own words, "recommended for the future that steps should be taken, by official securities, and by a regular audit of the accounts, to prevent the recurrence of losses and inconveniences to the Province, similar to those which had occurred in Mr. Caldwell's case," and, as connected with this branch of the inquiry, they recommended that "precautions of the same nature should be adopted with regard to the sheriffs."

In reference to these suggestions, Sir George Murray proposed to the House of Assembly, and Lord Ripon repeated the proposal, that the public accountants should pay their balances, at very short intervals, into the hands of the Commissary-general, tendering the security of the British Treasury for the punctual repayment of all such deposits. The scheme embraced a plan for a regular audit and for the punctual demand of adequate securities. Sir James Kempt and Lord Aylmer were successively instructed to propose to the Legislative Council and Assembly the enactment of such a law. The proposal was accordingly made to the Assembly in the year 1829, and was repeated in the year 1832. On each occasion it was the pleasure of the House to pass it by in silence. That they had good reasons for their conduct it would be unjust and indecorous to doubt. Those reasons, however, remain to this moment completely unknown to the Executive Government, who, having exhausted all their authority and influence in a fruitless attempt to give effect to this part of the Canada Committee's recommendations, cannot, with any reason, be held responsible if they still have failed to produce the advantage contemplated to the Province at large.*

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* They have not, however, abstained from such measures as were within their own power. They have established a fire-proof vault with three keys, held by three separate officers of high rank, all of whom must be present whenever it is opened, and they have provided that the Receiver-general shall not hold in his hands any balance exceeding 10,000 £. without depositing it in this vault, and that once at least in every year the contents of the vault shall be inspected or reported on by five persons named by the Governor for the purpose. They have also taken security from the Receiver-general to the extent of 10,000 £., with two sufficient sureties, and have required him to render statements of his accounts on the 1st of January, 1st of April, 1st of July, and 1st of October in every year.

12. A further recommendation of the Committee is conveyed in the report in the following terms: "Your Committee also beg leave to call the particular attention of the Government to the mode in which juries are composed in the Canadas, with a view to remedy any defects that may be found to exist in the present system." Minute relative to Recommendations of Canada Committee of 1828.

Here again the Government pressed upon the House of Assembly the importance of giving effect to the views of the Committee; and, in fact, a law has received the Royal Assent, having for its object the improvement of the jury system—an object which has been pursued by those methods which the House of Assembly themselves devised or adopted.

13. The report proceeds to recommend, "That the prayer of the Lower Canadians for permission to appoint an agent, in the same manner as agents are appointed by other colonies which possess local legislatures, should be granted."

His Majesty's Government have accordingly repeatedly authorized the Governor to assent to any Bill which might be passed for that purpose. No such Bill has, however, been presented for Lord Aylmer's acceptance. The Assembly, in opposition to the advice of the Committee, that the habits of other colonies should be followed as a precedent, have chosen to nominate, by resolutions of that House alone, gentlemen deputed to represent them in this kingdom, but who have not, as in other colonies possessing legislative assemblies, been appointed by an Act of the entire Legislature.

14. Upon the most careful perusal of the report of 1828, no other recommendations can be found addressed to the King's Government, although the Committee, addressing themselves in that instance rather to the local Legislature, have advised that mortgages should be special, and that in proceedings for the conveyance of lands, the simplest and least expensive forms of conveyance should be adopted, upon the principles of the law of England; that form which prevails in Upper Canada being probably, under all circumstances, the best which could be selected; and that the registration of deeds relating to soccage lands should be established as in Upper Canada. "In addition," it is added, "to these recommendations, it appears to be desirable that some competent jurisdiction should be established to try and decide causes arising out of this description of property," (that is, the soccage lands,) "and that circuit courts should be instituted within the townships for the same purposes."

In these passages, the design of the Committee was to administer to the relief of the settlers of English origin, and their claims were pressed by Sir George Murray on the attention of the Assembly. Some advance has been accordingly made towards the establishment of a registry of deeds and of local courts in the townships. Respecting the law of mortgages, and the forms of conveyancing, it does not appear that the Assembly have hitherto interposed for the relief of that part of the constituent body.

Concluding at this point the comparison between the advice tendered to the Government, and the measures adopted in pursuance of it, it may be confidently asserted that the general statement made at the commencement of this Minute has been substantiated. To the utmost limit of their constitutional power and legitimate influence, successive Administrations have earnestly and successfully laboured to carry the report of 1828 into complete effect in all its parts. It has already been shown with how cordial an acquiescence that report was received by the House of Assembly, with what liberal eulogies the talent, the patriotism, the knowledge and the intimate acquaintance with Canadian affairs of its authors were commended; how that document was hailed as the faithful interpretation of the wishes and wants of the Canadian people; and how the British Government were called upon by the House of Assembly to look to that report as their guide in remedying existing grievances, and obviating difficulties for the future. That this guide should have been studiously followed, that its suggestions should have been invariably construed and enforced, with no servile adherence to the letter, but in the most liberal acceptance of its prevailing spirit, and yet that such efforts should have been unavailing to produce the expected conciliation, may well justify the deepest regret and disappointment.

(signed) *Aberdeen.*

Enclosure, No. 3, in Lord *Aberdeen's* Despatch to Lord *Amherst*, 2d April 1835.—(No. 2.)

A MINUTE, explanatory of the Resources, and of the present state of the Revenues of Lower Canada.

THE revenue of the Province arises from two distinct sources, viz. the statute law, British or Canadian, and the inherent prerogative of the Crown. Minute relative to the Revenues of Lower Canada.

The Acts of Parliament are, the 14 Geo. 3, c. 88; 3 Geo. 4, c. 119; and 3 & 4 Will. 4, c. 59.

The Acts of the Assembly are, 33 Geo. 3, c. 8; 35 Geo. 3, c. 8; 35 Geo. 3, c. 9; 41 Geo. 3, c. 14; 51 Geo. 3, c. 12; 53 Geo. 3, c. 1; 55 Geo. 3, c. 3; 59 Geo. 3, c. 4; 2 Geo. 4, c. 1; 4 Geo. 4, c. 10.

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the Revenues of
Lower Canada.

To a correct understanding of the case, it is necessary very shortly to recapitulate the effect of all these different Statutes.

1. The British Statute 14 Geo. 3, c. 88, as has been already seen, imposes duties on spirits and molasses. These duties were a commutation for others, much more burthensome and extensive, formerly paid to the King of France. They are declared applicable to the charges of the civil government and the administration of justice, in such manner as the Lords of the Treasury should appoint.

2. The British Statute 3 & 4 Will. 4, c. 59, is the Statute which regulates the trade of all the colonies. For the present purpose, it is enough to say that it imposes duties upon British spirits, and upon foreign goods of every description, imported into the Province. The produce of these duties must be appropriated by the Provincial Assembly.

3. The Provincial Statute 33 Geo. 3, c. 8, imposed certain additional duties on wine, which are expressly appropriated to the payment of the expenses of the Legislative Council and Assembly.

4. The Provincial Statute 35 Geo. 3, c. 8, imposed a duty upon hawkers and publicans. The produce of this duty was appropriated towards the administration of justice, and the support of the civil government of the Province. If the produce in any year exceeded 5,555 *l.* 11 *s.* 1½ *d.* the surplus was to be appropriated by the Legislature.

5. The Provincial Statute 35 Geo. 3, c. 9, granted additional duties on spirits, molasses, syrup, sugar, coffee, tobacco, cards, and salt. The proceeds of these duties were appropriated in the same manner as those of the last-mentioned Act.

6. The Provincial Statute 41 Geo. 3, c. 14, imposed additional duties on tobacco. In this Act it is declared that the produce is to be applied by His Majesty towards further defraying the charges of the civil government.

7. The Provincial Statute 51 Geo. 3, c. 12, imposed certain wharfage dues. The produce was appropriated towards the improvement of the navigation of the St. Lawrence.

8. The Provincial Statute 53 Geo. 3, c. 1, imposed certain duties on sugar, tobacco, snuff, salt, wines, spirits, publicans and billiard-tables. The produce of the duties was to be appropriated by the Provincial Legislature. This Act was to be in force only till March 1815.

9. The Provincial Statute 55 Geo. 3, c. 3, granted certain duties on tea, spirits, molasses, and syrup, and on goods sold by auction. The appropriation of these duties was expressly reserved to the Provincial Legislature.

10. The Provincial Statute 59 Geo. 3, c. 4, imposed certain duties upon tobacco, leather, and spirits, the produce of the United States. The produce of these duties was reserved to the appropriation of the Provincial Legislature. The Act was to continue in force till May 1821.

11. The Provincial Statute 2 Geo. 4, c. 1, continued the last-mentioned Act till May 1824, and altered in some respects the rate and amount of the duties. Nothing was said respecting appropriation, which, of course, therefore followed the rule of the Act, of which this was a continuation.

12. The Act 4 Geo. 4, c. 10, imposed certain additional duties on leather imported from the United States. This duty being an enlargement of the duties granted by the two last-mentioned Acts, was subject to the same rule of appropriation.

13. The British Statute 3 Geo. 4, c. 119, which is commonly called the Canada Trade Bill, declared that all the duties which were payable under any Acts of Lower Canada should be payable and levied until Acts were passed for the repeal of such duties. The effect of this enactment was to render permanent the three temporary Acts of the Province, of 1819, 1822, and 1824.

14. 1 & 2 Will. 4, c. 73, transferred to the Legislative Council and Assembly of the Province the right of appropriating the net proceeds with the duties arising from 14 Geo. 3, c. 88.

Such being the various sources of the revenue of the Province, the following Table marked (A.) will show what was the actual produce in the years 1831 and 1832, and the following Table marked (B.) will show for the years 1833 and 1834 a comparative statement of the proceeds of each of the different sources from which the territorial and hereditary revenue is derived.

(signed) *Aberdeen.*

EARL ABERDEEN TO EARL AMHERST.

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(A.)

COMPARATIVE YEARLY STATEMENT of the REVENUE for the Years 1831 and 1832.

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Lower Canada.

Specify each separate Tax or Duty.	Amount collected in the Year 1831, in Pounds Sterling.	Amount collected in the Year 1832, in Pounds Sterling.	Increase in Pounds Sterling.	Decrease in Pounds Sterling.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Casual and Territorial Revenue	4,581 11 -	4,006 15 8	- - -	574 15 4
Duties under Imperial Act, 14 Geo. 3.	34,954 19 4	30,998 9 2	- - -	3,956 10 2
Licences under ditto - -	2,448 - -	2,532 12 -	84 12 -	- - -
Licences on Billiard Tables, Provincial Act, 41 Geo. 3.	45 - -	67 10 -	22 10 -	- - -
Duties on Tobacco under ditto	4,934 18 2	5,527 9 3	592 11 1	- - -
Fines and Forfeitures - -	310 19 9	681 16 11	370 17 2	- - -
Duties under Provincial Act, 33 Geo. 3	2,115 12 -	2,566 11 8	450 19 8	- - -
Ditto under 35 Geo. 3 - -	30,471 17 2	30,021 18 7	- - -	449 18 7
Licences under ditto - -	2,737 16 -	2,809 16 -	72 - -	- - -
Duties under 53 Geo. 3 - -	25,854 6 9	27,844 4 8	1,989 17 11	- - -
Ditto under 55 Geo. 3 - -	29,302 9 10	29,951 2 9	648 12 11	- - -
Ditto under Imperial Act, 6 Geo. 4, c. 114.	6,421 8 3	6,643 11 6	222 3 3	- - -
Ditto under Provincial Acts 45 & 51 Geo. 3, and 2 Geo. 4.	3,545 9 8	3,519 14 6	- - -	25 15 2
Ditto under 48 Geo. 3, c. 19	22 1 -	- - -	- - -	22 1 -
Tolls on Lachine Canal - -	4,222 10 4	3,870 - -	- - -	352 10 4
Monies under Provincial Act, 4 Geo. 4, c. 21.	25 13 6	- - -	- - -	25 13 6
Duties under Imperial Act, 6 Geo. 3, c. 52.	- - -	39 17 5	39 17 5	- - -
Ditto under Provincial Act, 4 Geo. 4, c. 3.	66 7 8	- - -	- - -	66 7 8
Ditto on Passengers and Emi- grants, under Provincial Act, 2 Will. 4, c. 17.	- - -	5,944 18 3	5,944 18 3	- (a)
Net Revenues of the Jesuits' Estates.	- - -	2,426 3 4	2,426 3 4	- (a)
TOTAL - - £.	152,061 - 5	159,452 11 8	12,865 3 -	5,473 11 9

(a) Cause of Increase or Decrease :—First collections under this Act. These revenues were formerly at the disposal of the Crown; but were, during the year, placed at the disposal of the Legislature.

(B.)

COMPARATIVE STATEMENT of the Proceeds of each of the different Sources from which the TERRITORIAL and HEREDITARY REVENUE is derived, for the Years 1833 and 1834.

	1833.	1834.
	Currency. £.	Currency. £.
Quints - - - -	533	2,297
Lods et Ventes - -	2,603	1,235
Commutation Fines -	2,107	76
Rent of the King's Posts	1,200	1,200
Rents - - - -	52	76
Forges of St. Maurice -	-	750
Droit de Relief - -	-	115
Total Casual and Territorial Revenue - - - - £.	6,495	5,749
Crown Lands - - - -	3,200	4,700
Timber - - - -	1,500	3,442
Total Land and Timber Fund - - - - £.	4,700	8,142

[N. B. The accounts of the Casual and Territorial Revenue begin and end on the 1st January in each year, and hence the amounts do not correspond with those in Table (A.) which are made up, according to the system of the Colony, from October to October.]

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To the above revenue are to be added the payments of the British North American Land Company. By the agreement with this Company, entered into December 1833, a sum of 120,000*l.* is to be paid for certain land, in 10 annual instalments of 12,000*l.*; the first instalment to be paid within 12 months from the date of the charter. One moiety of each instalment is to be expended upon public works within the Company's land, the other to be applicable to public purposes. The unpaid portion of the 120,000*l.* to bear interest at the rate of 4 per cent. per annum, but the Company to have the option of anticipating their payments, and of thus extinguishing the interest. The following sums have already been paid out of the receipts from the Company :

Compensation to Ursuline Nuns for land	-	-	-	-	-	-	-	-	-	-	£.	s.	d.
Arrears to Chairmen of Quarter Sessions, due before the abolition of their offices, about	-	-	-	-	-	-	-	-	-	-	1,150	-	-
											£.	3,396	14 9

Enclosure, No. 4, in Lord Aberdeen's Despatch to Lord Amherst, dated the 2d April 1835.—
(No. 2.)

Minute relative to
the 92 Resolutions
of the House of
Assembly.

A MINUTE comprising Notices of such of the Questions brought into discussion by the House of Assembly of Lower Canada in their 92 Resolutions as are not disposed of in Lord Aberdeen's Despatch above-mentioned.

IN the despatch of the 2d April, Lord Aberdeen has purposely confined his attention to the more considerable of the topics noticed by the House of Assembly in their Resolutions. To have engaged in a more extended inquiry, would not only have been to increase inconveniently the length of that despatch, but would have diverted Lord Aberdeen in writing, and Lord Amherst in perusing it, from those broader questions, on the decision of which the issue of Lord Amherst's mission must really depend. Yet in this-supplementary and subordinate paper, place may conveniently be found for the discussion of the minor grievances alleged by the House of Assembly. It is not desirable that Lord Amherst should quit England without a distinct intimation of the views of His Majesty's Government upon any subject of which the debate can with reasonable certainty be anticipated on his Lordship's arrival in the Province.

The disregard of exact arrangement which this division of the subject into two separate documents involves will be productive of no considerable practical inconvenience. The authors of the 92 Resolutions have not thought it necessary to submit themselves to the restraint of any fixed method. The subjects embraced in them are so blended together, as to make every attempt to trace any pervading principle of order throughout the whole entirely hopeless.

It is not impossible that the real ground of complaint may in some cases have been misconceived. The style of the Resolutions is peculiar, and certainly not such as to relieve the inherent obscurity of the subject. They continually presuppose the knowledge of unexplained facts, and attribute to the reader the power of supplying the sense of indefinite allusions. Such also is the copiousness and warmth of expression, that in many cases it is difficult to discern what is the subject-matter to which the writers refer. These circumstances are noticed without the remotest approach to disrespect towards the House of Assembly, but merely to explain the apparent want of method and certainty in the following paragraphs :

1. The House of Assembly in their Resolutions 48-51 complain, in very strong terms, of the language employed in certain communications from this office, which they denounce as insults, and as a violation of their rights and privileges, and as menaces which might justify the most extreme retaliation. Although this remonstrance does not refer to the language of more than one of Lord Aberdeen's predecessors in this office, and although there are not wanting reasons which might render Lord Aberdeen an unfit interpreter of the measures of His Majesty's Government, as then administered, yet if this topic should be pressed on Lord Amherst as a matter of grievance, he will not hesitate to disclaim, on behalf of all those by whom the seals of this department have been successively held, the injurious construction to which their words have unfortunately been thought liable. It is a matter of notoriety that the noble person against whom the censure was more particularly directed disavows the sense ascribed to his expressions, nor indeed is it credible that any Minister of the British Crown could either intend to convey, or could entertain a meaning so entirely remote from those kind and paternal feelings by which His Majesty has ever been actuated towards every class of His Majesty's subjects in the colonial dependencies of this kingdom. It will, of course, be impossible to make any reparation for a wrong of which the existence cannot be admitted. But the complaint may not improperly suggest the necessity of extreme caution in avoiding, in all communications with the Assembly, any phrase which might be made the cause of discontent, and of giving every practicable earnest for the adoption of the most conciliatory and respectful tone towards them in future.

2. The 61st Resolution refers to the case of the Seminary of St. Sulpice. It is represented that the claims which the Crown have advanced to the seigneurie of Montreal, at present held by that college, were designed to subvert the laws of the Province. On this subject Lord Amherst is referred to the correspondence, of which copies are annexed for his Lordship's information. It is not only inexpedient to withhold from the House of Assembly, but most desirable

desirable to produce to them, copies of every communication which has passed between the ecclesiastics of St. Sulpice and this department, or between them and the successive Governors of this Province, on the subject of His Majesty's title to the seigneurie. This is one of those cases in which an injudicious concealment has occasioned suspicions which, had the truth been disclosed, it may reasonably be supposed would have given place to sentiments of confidence, and even of gratitude. So remote were Lord Aberdeen's predecessors in office from every wish to make an unjust, harsh, or illiberal use of the rights of the Crown to the lands claimed by the priests of the Seminary of St. Sulpice, that it would appear from the whole tenor of their instructions that they had no one object in view but to rescue a great commercial city from the thralldom of feudal tenures the most unfavourable to the growth and prosperity of trade, and that they pursued that object with an undeviating desire to render the rights of the Crown, if successfully asserted, subservient to the diffusion of education and religious knowledge, according to those views of Christian truth by which the founders of the seminary were actuated. Whatever may be thought of the propriety of maintaining the ancient feudal laws of Europe in the agricultural districts of North America, it can hardly be made the subject of a serious question, whether they are applicable to the wants of society in a city which, from its natural position and advantages, might reasonably aspire to rank amongst the first class of commercial cities on the North American continent. In fact, during the prevalence of the old feudal law in Europe, almost all the great marts of trade were specially exempted by their charters, or by the general law, from the more onerous of those restraints to which, at the present day, Montreal is subject. Nothing, therefore, is apparently more easy or complete than the defence of His Majesty's Government on this head; nor is anything wanting to the efficiency of that defence except the publicity of the whole correspondence.

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If the question of the St. Sulpice estates should be agitated during Lord Amherst's residence in Lower Canada, his Lordship will act upon the principles laid down in the instructions given by Lord Ripon on this subject; exercising, however, his own discretion as to the time and manner of asserting the rights of the Crown; or even leaving the case in its present position, if it should appear to his Lordship that the further prosecution of it would impede the settlement of the other and more considerable questions to which his attention is to be in the first place directed.

3. In the Resolutions 79-83 will be found complaints of the refusal of Lord Aylmer to issue warrants on the Receiver-general for the payment of money on the credit of the Votes of Assembly, to meet the contingent expenses of that House. The fact that the demand of the House was rejected by the Governor is admitted. The defence addressed by Lord Aylmer to them was, that he was unwilling to incur a pecuniary responsibility, against which, in the event of an Appropriation Act not being passed, he would not be indemnified; a risk which was represented as the more considerable because advances made on similar requisitions in preceding sessions still remained uncovered by any such Act of the collective Legislature. There can be no doubt that, in point of strict legal obligation, Lord Aylmer was right. He was not bound to incur any pecuniary risk for the convenience of the House of Assembly. The refusal, however, was plainly the assertion of an extreme right, or rather the exercise of an extreme precaution. It involved some failure of the confidence and respect due from the Executive Government to the popular branch of the Legislature; for the risk was imaginary, except upon a supposition injurious to the good faith and common honesty of the House of Assembly. It was of course, therefore, well understood in the Province, and scarcely denied by the Governor, that the ostensible was not the real ground of the refusal. Lord Aylmer would, beyond doubt, have authorized the necessary advance if he had not viewed the application in the light of a scheme for detaching the pecuniary wants of the House of Assembly from those of the other branches of the Government, and for providing for their own convenience, while they left all other public officers labouring under the utmost distress for the incomes they had actually earned in the public service. Without discussing the accuracy of these views, it may be sufficient for the present purpose to say that no similar considerations must be permitted to influence Lord Amherst's conduct on any similar exigency. No possible advantage which could flow from embarrassing the Assembly for money to carry on their own service would ever compensate for the injury to the public at large from a collision between the chief authorities of the Province, in which the one might seem to cast a serious doubt upon the integrity of the other. The ordinary courtesies of official communications can never be abandoned except at the serious risk, and almost certain sacrifice, of still more substantial interests. If the House of Assembly should demand, as is not improbable, some reparation for the injury which they represent themselves to have sustained by the Governor's open refusal to accept their solemn resolution as a sufficient security against the risk of issuing public money, Lord Amherst will, in whatever manner may be most consistent with respect to his immediate predecessor, express the regret of His Majesty's Government that such a decision was adopted, and will give every reasonable assurance that hereafter, in the administration of the affairs of the Province, His Majesty's representative will follow the usage of this country, by taking the votes of the House of Assembly as a sufficient pledge that any money granted in that form will, in due time, be included in an Act of Appropriation.

4. Much is incidentally said, in the course of the 92 Resolutions, respecting the improper composition of the Executive Council, and the concealment of their functions, and even of their names, from the House of Assembly, although, by the law of the Province, they act as Judges of the High Court of Appeal.

It might have been concluded that the statement respecting the concealment of the names
of

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of these officers had originated in some clerical or typographical error, if there were not other reasons to think that such a complaint has been seriously preferred. That any such concealment should have been really practised, still would seem altogether incredible. It is almost superfluous to say, that it must not be continued.

Lord Amherst will cheerfully assent to a law for relieving the executive councillors from the judicial duty, for which they certainly would appear but very ill qualified.

Respecting the composition of this council, if Lord Amherst should find that it is such as to afford an undue advantage to the Canadians of English birth or origin, or that it is in any other respect unfairly constituted, his Lordship will have the means of redress in his own power, by calling to that board any properly qualified persons.

Since the Report of the Committee of 1828, the two Judges and the Receiver-general have withdrawn from this body; three French Canadians have been added to it, and Messrs. Papineau and Neilson have declined to accept seats there. Little reason would therefore seem to exist for supposing that this council is selected on any principle of partiality or undue preference. This, however, is not a question to be prejudged, but to be referred to Lord Amherst's consideration and decision.

5. In the 84th Resolution will be found a complaint of the practice of consultations between the Executive Government of the Province and the Judges upon questions which may afterwards be presented to the courts for decision. Of the existence of any such usage there is no proof, nor indeed any other than a general and indefinite statement of the fact. Lord Amherst, however, will understand that the practice of taking the extrajudicial opinion of a judge upon any question which there is the most remote reason to suppose will afterwards be agitated in the courts, is most sedulously to be avoided. Indeed it is difficult to suppose any contingency in which the provincial judges ought to be called upon to act as the private advisers of the Executive Government. To declare such an occurrence actually impossible, would perhaps be to advance unreasonably far; but it may safely be declared to be in the highest degree improbable, and any pledge which may be demanded on that subject may be readily given.

6. In the same Resolution, No. 84, a general charge occurs, of the improper interference of the Governor and of the legislative councillors in the election of members of the Assembly. In the absence of any specification or proof of the facts to which the complaint refers, nothing further can be stated, than that Lord Amherst may safely discountenance, by the most decided declarations on the part of His Majesty's Government, any opinion that they are desirous to employ the influence of the Crown in any manner whatever to impede the freedom of election. To embark in a design of that nature, in the present state of affairs in Lower Canada, would be so evidently hopeless and preposterous an attempt, that no minister, however regardless he might be supposed to be of his own duties, and of the principles of the constitution, could seriously engage in it.

7. The want of remedies in the courts of law to enforce legal demands on the Government is then noted as a grievance, although, as in several other cases, both the proof and the illustration are entirely wanting. Assuming that any such deficiency in the law of Lower Canada exists, Lord Amherst will promptly assent to any acts which may be properly framed for giving to the King's subjects the necessary remedies for the assertion of their legal rights, even in those cases in which His Majesty himself is a party concerned.

8. To the complaint that addresses preferred by the House of Assembly to the King have been permitted to remain unnoticed, the only defence which could be made must be drawn from the frequent and rapid changes which the administration of public affairs has undergone in this kingdom during the last few years. Perhaps, indeed, it might be difficult to mention a single instance of any such apparent neglect which would not admit of further explanation. But Lord Amherst may safely pledge His Majesty's Government to the most respectful punctuality in their attention hereafter to every representation which may be transmitted to the Secretary of State to be laid before the King. It may with confidence be asserted, that no vigilance will be wanting to prevent the recurrence even of a seeming cause for such a remonstrance.

9. The Provincial Administration is charged with communicating to the House in an imperfect manner the despatches of the King's Ministers, and other public documents. On a review of the proceedings of the session of 1834, it seems scarcely possible to deny that there was some foundation for this complaint. Without pursuing the subject into the detail which would be required to render it perfectly intelligible, it may be enough to state, that unreserve in meeting the demands of the Assembly for papers should be the general rule; and that when such papers relate to the receipt or expenditure of any part of the public revenue, that rule scarcely admits of an exception. On the other hand, there are documents which must be privileged from disclosure. To admit the obligation of the Governor to produce every despatch which he may receive from the Ministers of the Crown, would be to forbid any confidential communications between the King and His Majesty's representative in the Province. Upon such terms, it is impossible that any Government should be well administered, or, indeed, conducted at all. Written deliberations must, in the nature of the case, precede the decision of many questions; and in a correspondence undertaken with that view, many inquiries must be proposed, and many conjectural or hypothetical statements must be made, which, though strictly indispensable, would be unfit for general publicity. His Majesty must claim for himself, and for his officers, that degree of confidence which the relation subsisting between the King and the House of Assembly presupposes and requires.

There may also be frequently good reason for withholding from the House opinions given to the Governor by his official and legal advisers;--not, indeed, to shelter them from responsibility,

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sibility, but because such opinions being, for the most part, unintelligible when detached from the statements to which they refer, it is often impossible to make a perfect disclosure of such documents, without serious prejudice to the public service, and inflicting needless pain on individuals.

Subject only to these general exceptions, Lord Amherst will be free to divulge to the House of Assembly every document which they may wish to inspect; and will ever be prompt to avail himself of that freedom.

10. The detention of the buildings of the Jesuits' College as a barrack is the next ground of remonstrance.

If the Crown had no other title to these buildings than that of prescription, the right would be perfect; for they have been used as a barrack for more than half a century. Yet Lord Ripon, justly respecting the feelings of the ancient inhabitants of the Province, was anxious to restore them to their former religious or literary destination. His Lordship offered to surrender the barracks, with the rest of the Jesuits' estates, if any other accommodation could be provided for the troops. Considering how large is the expenditure incurred by Great Britain for the military defence of Lower Canada, and how great the benefit derived to the Province from the outlay annually there of sums of money of such great amount, it might perhaps have not unreasonably been thought that the concession so frankly made by Lord Ripon was not improperly qualified by this single reservation. Lord Amherst will adhere, in this respect, to the instructions which Lord Aylmer has already received. It is impossible to risk the health and lives of the King's troops, by leaving them unprovided with proper quarters, in a climate subject, during so large a part of the year, to a degree of cold wholly unknown in their native country. On the other hand, it is not in His Majesty's power to erect barracks at Quebec; the whole of the funds available for that or any other purpose being about to be surrendered to the House of Assembly. If that House will enable His Majesty to provide sufficient quarters for the troops in any other part of the city, His Majesty will rejoice to restore the College of the Jesuits to the pious and learned uses for which the building was originally erected.

11. The objections which have been made to the lease to Mr. Bell, of the forges of St. Maurice, scarcely admit of discussion, to any practical purpose, at present. The lease is complete and irrevocable, and will not expire till the year 1842. It may be very doubtful whether any other person could have afforded so high a rent as that which is paid by Mr. Bell; and the Crown will generally be benefited by acting towards its tenants on the same principle as that which induces private landlords to respect the outgoing tenant's claim to the good-will of the proprietor, and to a preference over other candidates for the renewal of the lease. Yet in the management of the lands in the Province, of which the net income is to be surrendered to the Assembly, the general rule should certainly be, to offer all property to public competition, and even to let lands to the highest bidder, in cases where there may be no objection to the tenant proposing himself, on the ground either of solvency, character, or skill. To establish, as an inflexible rule, that the highest bidder for a lease should always be accepted, would be a gross and evident improvidence.

12. Obstacles are said to have been needlessly raised by His Majesty's Government to the endowment of colleges by benevolent persons. If this charge refers to the suspension of His Majesty's decision upon certain reserved Bills, the answer is, that those Bills have been confirmed and finally enacted by the King. If any other proof or illustration of the supposed reluctance to promote such schemes can be adduced, it may be sufficient to say that His Majesty's Government are perfectly prepared to sanction any endowment for the instruction of youth in the Christian religion, whatever may be the peculiar views of Christianity which the founders may be desirous of inculcating; and Lord Amherst will gladly avail himself of any opportunity of proving the sincerity of this declaration.

13. It is said that the Government have denied justice in the case of accusations preferred by the House of Assembly against judges. If the statement relates to the case of Mr. Kerr, the answer is, that that gentleman does not retain his office. If there be any other case to which it is applicable, Lord Amherst will renew the proposal already made by Lord Ripon, to establish a local court for the trial of all impeachments which may be preferred by the House of Assembly against a judge.

14. Although it would not be possible to find terms more large or distinct than those employed by Lord Ripon to invite the House of Assembly to regulate the application of the clergy reserves, yet it is stated that a member of the Assembly, holding office under the Crown, declared, in his place, that the House of Assembly would not be permitted to alter one word of the Bill which had been brought in under Lord Ripon's directions. To the Bill itself there was, it is said, no objection; but under such a menace the House could not act, and the failure of the proposal is referred to that cause. Lord Ripon's despatch of November 1831 had distinctly anticipated the contingency of the Bill being modified in its progress through the Provincial Legislature, and had directed the Governor, in that contingency, not to refuse his consent, but to reserve the Bill for the signification of the Royal pleasure. Any unauthorized language of the Solicitor-general, Mr. Ogden, ought not to have weighed against this authoritative declaration. It is said, however, that his Lordship's despatch of November 1831 on this subject was not before the House; Lord Amherst will, therefore, communicate to them a copy of that despatch, and invite them to resume the consideration of the subject to which it refers.

15. Lord Aylmer's refusal to issue a new writ upon the declaration of the House that M. Mondelet's seat had become vacant, is mentioned or referred to as a grievance in the 63d Resolution. The recent enactment of a law for ascertaining in what cases the acceptance of

Minute relative to
the 92 Resolutions
of the House of
Assembly.

an office shall vacate a seat in the House of Assembly may probably deprive this question of all importance with a view to the future. Still it may be necessary to record that His Majesty's Government adopt the more general and abstract principle by which Lord Aylmer appears to have been guided on that occasion. It is as follows: If it shall appear, upon a document issued by the authority of the House, that in their judgment a seat is vacant, and if, at the same time, there shall appear on the face of that document a statement of the ground on which that judgment proceeds, then, if the ground so alleged be insufficient in point of law to create a vacancy, the Governor is neither bound, nor is he at liberty to accede to the application of the House for a new writ. To the law alone an implicit obedience is due. Any one branch of the Legislature may err in their interpretation of it; and when a conflict arises between the rule of law on the one hand, and the resolutions of a single branch of the Legislature on the other, no officer of the Executive Government, and least of all the Governor himself, is at liberty to defer to their authority. If it be inquired by whom, then, is the law of the land to be ascertained, the answer in Canada, as in this kingdom, is, by the judges. To their decision must be brought even the pretensions of the separate branches of the Legislature, those cases being alone excepted in which the question in debate is a mere matter of privilege, of which each House is for itself the ultimate judge.

16. The last of the topics which remains to be noticed is that of the default of Sir John Caldwell. It is a subject not to be approached without very deep concern. It would be futile to deny, or to attempt to conceal that the loss in which he involved the Province resulted from the omission of His Majesty's officers to demand adequate securities for his faithful administration of the funds in his possession, and also from the neglect of the local Government to call him to a strict and frequent audit.

Under such circumstances, there are no means at the disposal of the Crown which His Majesty's Ministers would not cheerfully devote to the relief of the Province from this loss. The transfer to the Assembly of the territorial and hereditary revenue has, however, left His Majesty nothing further to concede in liquidation of this demand. The net proceeds of the payments to be made by the British North American Land Company would amount to 6,000 *l.* per annum, and will, it may be hoped, relieve the provincial treasury from any temporary difficulty in which it may have been involved by Sir J. Caldwell's default. Perhaps, also, the legal proceedings for the recovery of what is due from him might be urged forward with greater activity; and, at whatever expense of personal feeling, it will be necessary to enforce the demands of the public against his estate, with decision and effect.

There is one topic connected with Sir John Caldwell's case which it would be impossible to pass over in silence. That gentleman still occupies a seat in the Legislative Council. Of course, he cannot be removed from it by the Royal authority, the place being necessarily granted for life. But it is right that Sir John Caldwell should be admonished of the prudence of relinquishing his seat in the Legislative Council, or at least of totally abstaining from all interference in the deliberations of that body. It will be Lord Amherst's painful but necessary duty to convey this intimation to Sir John Caldwell, and to apprise him that his resignation would be acceptable to His Majesty, and would not be regarded as an impeachment of his character in any other sense than that in which unhappily it has already been prejudiced by his inability to make good what he owes to the public. It is almost superfluous to state that this unpleasant office will be discharged by Lord Amherst in whatever manner will be least irksome to his own feelings, because least distressing to the party more immediately concerned.

(signed) *Aberdeen.*

Enclosure, No. 5, in Lord *Aberdeen's* Despatch to Lord *Amherst*, dated the 2d April 1835.—
(No. 2.)

My Lord,

Downing-street, 14 February 1835

Lord *Aberdeen* to
Lord *Aylmer*.
14 February 1835.

IN conformity with the pledge given in my despatch of the 8th January, I can assure your Lordship that His Majesty's Government have not ceased to direct their anxious attention to the discovery of those means which appeared to offer the most reasonable prospect of bringing to a happy termination the existing differences between the House of Assembly of Lower Canada and the Executive Government of the Province. This inquiry has been undertaken with a deep sense of the importance of the object to be attained, and has been prosecuted with the most zealous and earnest endeavours to arrive at a favourable result; but I cannot disguise from your Lordship, that throughout the investigation I have found myself surrounded by no common difficulties.

Your Lordship will recollect that in the year 1828 a Committee of the House of Commons was appointed for the purpose of inquiring into the state of the Civil Government of Canada, which, after a laborious and protracted examination, embodied in their report various suggestions calculated, in their opinion, for the improvement of the administration of the affairs of the Province. This report was declared by the House of Assembly of Lower Canada to be "an imperishable monument of the justice and profound wisdom of the Committee," and to point out the certain mode of removing all the evils of which the people of Canada had complained. On a future occasion I may endeavour to show, and I hope incontrovertibly, the manner in which the recommendations of the Committee have been carried into full effect. At present I will only observe, that notwithstanding the general enthusiasm with which the appearance of the report was hailed by the House of Assembly, a spirit of discontent, from whatever cause arising, has continued gradually to increase among the members of that body, until in the last year it has burst forth with a vehemence altogether unparalleled. This spirit
was

was remarkably exhibited in the ninety-two resolutions passed by the House of Assembly on the 23d February 1834. These resolutions were referred to a Committee of the House of Commons on the 25th April, and occupied their attention for a considerable time. On the 3d July the Committee closed their labours with a report, in which they did full justice to the anxiety of the Home Government to carry into execution the suggestions of the Select Committee of 1828, and declared that the endeavours of the Government to that end had been unremitting, and guided in all cases by a desire to promote the interests of the Province. The Committee delivered no opinion upon the subject-matter of any one of the resolutions submitted to their consideration; but lamented that mutual misconception appeared to prevail, which they hoped might be removed; and finally expressed their persuasion that the practical measures for the future administration of the affairs of Lower Canada might best be left to the consideration of the Government, who were responsible for their adoption and execution.

Lord Aberdeen to
Lord Aylmer.
14 February 1835.

From that period up to the present day I do not find that any measures have been undertaken in compliance with the recommendation of the Committee of the House of Commons. On the 15th of November, the day on which the dissolution of the late Administration took place, your Lordship was apprized by Mr. Spring Rice that he was prepared to transmit very full instructions on the various important points upon which it was essential for your Lordship to be informed on the approaching meeting of the Assembly of Lower Canada; but in consequence of the event which had then occurred he was prevented from making any further communication. Not being aware of the nature and purport of these contemplated instructions, your Lordship will see that I have thus been deprived of the fruits of the matured reflection of my predecessor; and that on my own accession to office I find this complicated question very much in the same situation in which it was left by the Committee of the House of Commons on the 3d of July; with this difference, however, that the difficulties of its solution have been materially aggravated by the additional delay of six months.

In adverting to this delay, your Lordship will not understand that it is with the view of imputing blame to any one, but simply for the purpose of expressing my regret that a crisis should now have arrived in which a prompt decision is rendered indispensable, and that it must be taken at a moment and under circumstances when there exists a peculiar necessity for the most careful review of all that has passed, and for the most deliberate reflection on the consequences of any step that may be adopted.

The painful situation in which your Lordship has long been placed, and the personal relation in which you have been made to stand towards the House of Assembly, form no light addition to the embarrassments which obstruct the successful termination of the question at issue. It is due, however, to your Lordship to state, that from your first assumption of the Government of Lower Canada, my predecessors in the department over which I now preside have signified their general approbation of the conduct you have pursued in the administration of the affairs of that Province. With satisfaction I add, that from an examination of your Lordship's official correspondence, commencing at the period referred to, I can see no reason to dissent from the accuracy of these opinions. At the same time it must be obvious that the exasperated feelings so prevalent in the Assembly, and the alienation of that branch of the Canadian Legislature from the Executive Government, have rendered your Lordship's position so extremely difficult as even to forbid the hope that you would be enabled to employ, with any good effect, the words of conciliation and peace.

Looking, then, at the manner of dealing with the whole of this subject, and bearing in mind the circumstances to which I have already adverted, His Majesty's Government are of opinion that the exigencies of the case demand some more decisive and expeditious mode of proceeding than is consistent with an ordinary and regular correspondence. Your Lordship's sentiments have been more than once expressed to the same effect. The King has therefore been humbly advised to select an individual possessing His Majesty's entire confidence, who has the advantage of being unconnected with past Canadian politics, and has had the opportunity, by recent personal communication with the members of His Majesty's Government, of ascertaining their views and intentions more fully and unreservedly than could be possible by means of written statements. This individual, in the capacity of His Majesty's Royal Commissioner, will repair to Lower Canada, fully instructed to examine, and, if possible, to terminate the various points of discussion, in the hope of composing all those differences which have so long agitated the Province, and which have deeply afflicted His Majesty's loyal subjects.

Without attempting to give your Lordship even an outline of the instructions of which His Majesty's Extraordinary Commissioner will be the bearer, it may be sufficient to inform you that his mission will not be so much for the purpose of promulgating any new principles of government, as of carrying into full effect that system of liberality and justice towards the people of Canada, which His Majesty has long since adopted, and which a Committee of the House of Commons recently declared had characterized the policy and conduct of all those by whom the affairs of this kingdom have been administered during the last six years. Although the result which has hitherto attended these efforts might perhaps render our hopes of the future less sanguine, it will not diminish the desire or the determination of the King to satisfy all the just claims and expectations of His Canadian subjects. They will find that His Majesty is unwearied in his endeavours to establish "an impartial, conciliatory, and constitutional Government in Canada." For this end, it will be the object of His Majesty to renew an inquiry into every alleged grievance, to examine every cause of complaint, and to apply a remedy to every abuse that may still be found to prevail; for this end there is no sacrifice he would not cheerfully make, which should be compatible with the

32 DESPATCH FROM EARL ABERDEEN TO EARL AMHERST.

Lord Aberdeen to
Lord Aylmer.
14 February 1835.

fundamental principles of the Constitution itself, and with the continued existence of the Province as a possession of the British Crown.

I am unwilling to believe that the Canadian people can be insensible to feelings so truly paternal; which, as your Lordship well knows, have not been recently adopted, or on the spur of the occasion, and for which we may reasonably hope that His Majesty will be rewarded by the loyalty and attachment of all classes in the important Province now under your immediate government.

Your Lordship will communicate this despatch to the House of Assembly in the usual manner. Although without any direct information on the subject from your Lordship, I learn from other sources of intelligence that the Legislature will have met on the 27th of January. Should their sittings have been adjourned, you will take such means as may appear most proper for bringing the despatch under the knowledge of the members before the period of their re-assembling in Parliament.

I will not fail to give your Lordship timely notice of the probable arrival of His Majesty's Commissioner, in order that you may be enabled to convoke the Assembly with the least possible inconvenience to its members.

The Lord Aylmer,
&c. &c. &c.

I have, &c.
(signed) *Aberdeen.*

EARL AMHERST.

COPY of a DESPATCH, and its Enclosures,
addressed to Earl Amherst by the Earl of
Aberdeen, on the 2d April 1835.

(*Sir George Grey.*)

Ordered, by The House of Commons, to be Printed
22 March 1838.

L O R D G O S F O R D .

RETURN to an Address of the Honourable The House of Commons,
dated 14 March 1838 ;—for,

AN ACCOUNT, showing the TOTAL EXPENDITURE of the OFFICE and ESTABLISHMENT of
Lord Gosford, as GOVERNOR GENERAL and COMMISSIONER in Canada; distinguishing the
Salary and Emolument accruing to each Individual, for one Year, to the latest period for
which the same can be rendered.

	£.	s.	d.	£.	s.	d.
Chief Commissioner, the Earl of Gosford - - -	8,710	5	3			
Secretary to Commission, T. F. Elliot, Esq. - -	1,500	-	-			
Clerk to ditto - - - - -	150	-	-			
Messenger, Housekeeper, Rent of Office, Travelling Ex- penses of Commissioners, and other Contingencies - }	632	7	-			
				10,992	12	3
Governor General, the Earl of Gosford - - - - -						
Civil Secretary to ditto {Salary - - £. 500 - -						
{Fees - - 440 - -						
	940	-	-			
Assistant ditto - - - - -	200	-	-			
1st Clerk - - - - -	182	10	-			
2d ditto - - - - -	91	5	-			
3d ditto - - - - -	91	5	-			
Translator to Government - - - - -	50	-	-			
Office-keeper - - - - -	45	-	-			
2 Messengers - - - - -	86	1	3			
				1,686	1	3
				£.	12,678	13 6

The above Return is from 18 February 1836 to 18 February 1837, at which time the
Commission closed.

Colonial Office, Downing-street, }
28 March 1838.

G. Grey.

LORD GOSFORD.

AN ACCOUNT of the EXPENDITURE of the
OFFICE and ESTABLISHMENT of Lord Gosford,
as GOVERNOR GENERAL and COMMISSIONER
in Canada, for one Year.

(*The Marquis of Chandos.*)

*Ordered, by The House of Commons, to be Printed,
28 March 1838.*

EARL OF DURHAM.

CORRESPONDENCE relating to the ESTABLISHMENT of the Earl of *Durham*, as
GOVERNOR GENERAL of *British North America* and HER MAJESTY'S HIGH
COMMISSIONER.

(PRESENTED BY HER MAJESTY'S COMMAND.)

My Lord,

Downing-street, 24th March 1838.

I HAVE the honour to inform you, that a desire has been expressed by a Member of the House of Commons in his place, that a statement of your Lordship's Establishment as Governor General of the British North American Provinces and Her Majesty's High Commissioner for the adjustment of certain affairs in Canada should be laid before the House. Lord John Russell, on the part of Her Majesty's Government, having assented to this request, I shall be obliged if your Lordship will furnish me with a statement of your Establishment for this purpose.

The Right Honourable
The Earl of Durham, G.C.B., &c. &c. &c.

I have, &c.
(signed) *Glenelg.*

My Lord,

Cleveland-row, March 26, 1838.

I HAVE the honour to acknowledge the receipt of your Lordship's communication of the 24th instant.

Her Majesty having been graciously pleased to entrust to me the general Government of Six Provinces in North America, the entire administration of the affairs of one Province during the suspension of the ordinary form of government, and a separate Commission for the adjustment of weighty affairs affecting the permanent welfare of all Her Majesty's Possessions in North America, I must require, for the due performance of these important and multifarious functions, the most zealous and efficient co-operation.

I feel it due to those who leave this country on this arduous and difficult service, to ensure to them adequate and honourable remuneration.

By this feeling I have been influenced in the formation of an Establishment for carrying on the government of North America, and have the honour of enclosing you a copy of my Letter to Sir George Grey, of the 10th instant, in which are included the details which your Lordship requests.

I have also to state to your Lordship, that I have received from the Commander of the Forces permission to avail myself of the services of four paid Aides-de-Camp, whose assistance will be urgently required in the various personal communications which I must necessarily make to the Lieutenant-Governors and Commanders of Her Majesty's Forces in the different Provinces placed under my government.

I have now given your Lordship all the information I can afford you at the present time. On my arrival in North America, I may possibly find it necessary to require further executive assistance; but I can assure your Lordship that I shall ever be guided by as strict an attention to economy as is consistent with what is, I own to you, my primary object, the efficiency of the public service.

The Right Hon. Lord Glenelg,
&c. &c. &c.

I have, &c.
(signed) *Durham.*

P.S.—The only appointments that I have made as yet, are those of Mr. Edward Ellice, as Private Secretary, and Colonel Couper, as Military Secretary. The latter gentleman sailed for New York last week, with Despatches for Sir J. Colborne. It is not my intention to make any other appointments until after my arrival in North America.

2 CORRESPONDENCE RELATING TO THE EARL OF DURHAM.

Sir, Cleveland-row, March 10, 1838.

IN accordance with your request, I enclose you a Memorandum of my proposed Establishment, as far as I am at present enabled to judge of the assistance which I shall require for the due execution of the duties assigned to me, as Governor General of British North America and Her Majesty's High Commissioner.

Sir George Grey, Bart.
&c. &c. &c.

I am, &c.
(signed) *Durham.*

MEMORANDUM of the SALARIES required for the ESTABLISHMENT of the Earl of *Durham*, as Governor General of *British North America* and Her Majesty's High Commissioner, &c. &c.

	f.	s.	d.
Governor General	-	-	-
Chief Secretary	-	1,500	-
Military ditto	-	700	-
Two Assistant Secretaries (Clerks)	-	600	-
Legal Adviser	-	1,500	-
Private Secretary to the Governor General	-	-	-

(signed) *Durham.*

EARL OF DURHAM.

COPY of CORRESPONDENCE relating to the ESTABLISHMENT of the Earl of *Durham*, as GOVERNOR GENERAL of *British North America* and HER MAJESTY'S HIGH COMMISSIONER.

(Presented by Her Majesty's Command.)

Ordered, by The House of Commons, to be Printed,
28 March 1838.

LOWER CANADA
AND
UPPER CANADA.

EXTRACT of a DESPATCH from Lord *Glenelg* to the Earl of *Durham*, G.C.B.,
dated Downing-street, 20th January 1838.

(PRESENTED BY HER MAJESTY'S COMMAND.)

Ordered, by The House of Commons, to be Printed,
23 January 1838.

EXTRACT of a DESPATCH from Lord *Glenelg* to the Earl of *Durham*, G.C.B.
dated Downing-street, 20th January 1838.

IN order to lay the ground for the permanent settlement of the questions which agitate Lower Canada, and also of those which create divisions between Upper and Lower Canada, it will probably be found necessary to resort to some legislative measures of a comprehensive nature. But before such measures can be framed and submitted to Parliament, it would be highly desirable to ascertain the wishes and opinions of the people of both Provinces regarding them.

This object could best be attained by a personal communication on your part with such persons selected from each Province as may be presumed, from their station, character and influence, to represent the feelings of their fellow-countrymen in general. It seems advisable, therefore, to authorize your Lordship, if you should so think fit, to call around you a certain number of such persons, with whom you might take counsel on the most important affairs of the two Provinces; the time of meeting of such a committee of advice being left entirely to your discretion. You are, therefore, empowered to select three members from the Legislative Council of Upper Canada to attend such meeting; and to invite the House of Assembly of Upper Canada to nominate ten of its members for the same purpose. Under ordinary circumstances, the same course would be pursued with respect to the Legislature of Lower Canada. But if the Bill now before Parliament should be passed into a law, recourse must be had, during the suspension of that Legislature, to another mode of supplying the deficiency.

You will, accordingly, during such suspension, select three members of the body at present composing the Legislative Council, and will take measures for calling on the electors in each of the five districts into which Lower Canada is now divided, to elect two persons to sit in the Committee. Your Lordship can obviate any difficulty which may stand in the way of holding such elections by an Ordinance for this purpose to be passed by the authority of the Governor in Council.

The committee will thus consist of twenty-six members, over whose deliberations you will of course preside.

The committee being thus formed, you will bring before them the subjects on which you desire to receive their opinion and advice. Among the most important of these are the questions in debate between the two Canadian Provinces.

In the last Session, both Houses of Parliament passed a Resolution, "That great inconvenience has been sustained by his Majesty's subjects inhabiting the Provinces of Lower Canada and Upper Canada, from the want of some adequate means for regulating and adjusting questions respecting the trade and commerce of the said Provinces, and divers other questions wherein the said Provinces have a common interest; and it is expedient that the Legislatures of the said Provinces respectively be authorized to make provision for the joint regulation and adjustment of such their common interests."

It is clear that some plan must be devised to meet the just demands of Upper Canada. It will be for your Lordship, in conjunction with the committee, to consider if this should not be done by constituting some joint legislative authority, which should preside over all questions of common interest to the two Provinces, and which might be appealed to in extraordinary cases to arbitrate between contending parties in either; preserving, however, to each Province its distinct Legislature, with authority in all matters of exclusively domestic concern. If this should be your opinion, you will have further to consider what should be the nature and limits of such authority, and all the particulars which ought to be comprehended in any scheme for its establishment.

The

AFFAIRS OF LOWER CANADA AND UPPER CANADA. 3

The Constitutional Act of 1791 will supply another subject of deliberation, with a view to determine what measures may safely be taken to correct the defects which have hitherto interfered, at least in the Lower Province, with its successful working. The Constitution of the Legislative Council has formed the chief topic of complaint with the House of Assembly of Lower Canada, and they have insisted that the only remedy is to be found in making the Council elective. On this subject the following Resolution was last year passed by both Houses of Parliament: "That in the existing state of Lower Canada, it is unadvisable to make the Legislative Council of that Province an elective body, but it is expedient that measures be adopted for securing to that branch of the Legislature a greater degree of public confidence."

It will be for you and the committee to consider in what manner the judgment thus pronounced by Parliament can best be carried into effect.

There are other very important subjects regarding which you will probably think it right to consult the same advisers,—such, for example, as the provision that should be made to meet the necessary expenses of the Civil Government in Lower Canada—the state of the law affecting the tenure of landed property in that Province—the establishment of a court for the trial of appeals and impeachments. There is, in truth, not one of the many interesting questions relating to the good government and well-being of the two Canadas, which might not very properly engage the attention of the committee.

On all the subjects which I have specified, and on others which may come under the notice of the committee, your Lordship will probably have to recommend the adoption of some legislative measures in this country. You will transmit to me an explanation of such measures in the fullest detail, in order that the Government may consider of the propriety of submitting them to Parliament.

You are authorized to fix the times and places of the meetings of the committee, to adjourn them from time to time, and to frame all regulations necessary for the despatch of business. You are also empowered to dissolve the committee at your pleasure.

LOWER CANADA
AND
UPPER CANADA.

EXTRACT of a DESPATCH from Lord
Glenelg to the Earl of *Durham*, G. C. B., dated
Downing-street, 20th January 1838.

(*Presented by Her Majesty's Command.*)

Ordered, by The House of Commons, to be Printed,
23 January 1838.

LOWER CANADA.

RETURN to an ADDRESS of the Honourable The House of Commons,
dated 9 July 1838 ;—for,

- 1.—COPY of INSTRUCTIONS to Lord *Durham* for the Constitution of Special Council.
 - 2.—Lord *Durham's* PROCLAMATION Dissolving Special Council.
 - 3.—Lord *Durham's* LETTER to the Members of the Executive Council, dispensing with their Attendance.
 - 4.—The APPOINTMENTS made by Lord *Durham*, of the Executive Council and the Special Council.
-

Colonial Office, Downing-street, }
18 July 1838.

G. GREY.

— No. 1. —

COPY of INSTRUCTIONS to Lord *Durham* for the Constitution of
Special Council.

VICTORIA R.

ADDITIONAL INSTRUCTIONS to Our right trusty and right well-beloved Cousin and Councillor John George Earl of Durham, Knight Grand Cross of the Most Honourable Order of the Bath, Our Captain-General and Governor-in-Chief in and over Our Province of Lower Canada ; or, in his absence, to Our Lieutenant-Governor, or the Officer administering the Government of Our said Province for the time being.

Given at Our Court at Windsor, this 13th day of April 1838, in the First Year of Our Reign.

WHEREAS by Our Commission under the Great Seal of Our United Kingdom of Great Britain and Ireland, constituting you Our Captain-general and Governor-in-Chief in and over Our Province of Lower Canada, We did require and command you to do and execute all things in due manner that should belong to your said command, and the trust We have thereby reposed in you, according to the several powers and authorities granted or appointed you by the said Commission, and the Instructions under Our Royal Sign Manual and Signet therewith given to you, and according to such further powers, directions, and authorities as should at any time thereafter be granted or appointed you under Our Royal Sign Manual and Signet, or by Our Order in Our Privy Council, or by Us through one of Our Principal Secretaries of State :

605.

And

And whereas by an Act passed in the First Year of Our Reign, intituled "An Act to make temporary Provision for the Government of Lower Canada," it is amongst other things enacted, that it shall be lawful for Us, by any Commission or Commissions to be from time to time issued under the Great Seal of Our United Kingdom, or by any Instructions under our Signet and Sign Manual, and with the advice of Our Privy Council, to constitute a Special Council for the affairs of Our said Province of Lower Canada; and for that purpose to appoint or authorise the Governor of Our said Province to appoint such and so many Special Councillors as to Us should seem meet, and to make such provision as to Us should seem meet for the removal, suspension, or resignation of all or any such Councillors:

Now know you, that, in pursuance of the powers so vested in Us by the said recited Act, We have, with the advice of Our Privy Council, by these present Instructions under Our Signet and Sign Manual, thought fit to constitute, and with the advice aforesaid do hereby constitute, such Special Council for the affairs of Lower Canada, and for that purpose have authorised, and do hereby authorise you to appoint not less than five Special Councillors for the purposes of the said Act.

It is nevertheless Our pleasure, and We do hereby direct, that such persons only shall be appointed by you Special Councillors in pursuance hereof, and of the said Act, as shall be persons of approved loyalty and good life, and as shall be of the full age of twenty-one years, and as shall be Our subjects, natural-born or duly naturalised; and We do hereby provide and declare, that all or any such Councillors may at their pleasure resign such their offices, and that it shall be competent to you, upon any good and sufficient cause to you appearing, to suspend any such Councillor; and We do hereby reserve to Us full power and authority from time to time, as to Us shall seem meet, to remove all or any such Councillors.

— 2. —

LORD DURHAM'S PROCLAMATION Dissolving Special Council.

EXTRACT from the *Quebec Gazette*, dated 1 June 1838.

Office of the Secretary of the Province, 1 June 1838.

HIS Excellency the Governor-General has been pleased, by letters patent under the Great Seal of the Province, bearing date this day, to dissolve the Special Council which stood prorogued to the 16th June.

— 3. —

LORD DURHAM'S LETTER to the Members of the Executive Council, dispensing with their Attendance.

EXTRACT from the *Quebec Gazette*, dated 1 June 1838.

Sir,

Castle of St. Lewis, Quebec, 31 May 1838.

I AM directed by his Excellency the Governor-general to acquaint you that it is not his intention to continue the Executive Council according to its present composition, and that your services, therefore, will not be required for the present.

His Excellency has come to this determination not from any feeling of dissatisfaction with the conduct of that Council, or of any of its members; on the contrary, his Excellency particularly directs me to express his high sense of your services, and his esteem and respect for yourself personally; but his Excellency deems it essential for the objects of his mission that during the temporary suspension of the constitution the administrator of affairs should be
completely

THE CONSTITUTION OF SPECIAL COUNCIL.

3

completely independent of and unconnected with all parties and persons in the province.

Dissensions and animosities have naturally, during the course of the late unfortunate events, been carried to such an extent, that the necessary abstraction from all party feeling cannot be expected from any who have been participators in the struggle on one side or the other.

His Excellency believes that it is as much the interest of you all as for the advantage of his own mission, that his administrative conduct should be free from all suspicions of political influence or party feeling, that it should rest on his own undivided responsibility; and that when he quits the province he should leave none of its permanent residents in any way committed by the acts which his government may have found it necessary to perform during the temporary suspension of the constitution. When happily the time shall have come for the re-establishment of constitutional government, the different powers composing it will return to their natural state, and be confided to those whose station in the province and personal character entitle them to the confidence of their Sovereign and their Country.

I have, &c.

(signed) *Charles Buller, jun.*
Chief Secretary.

— No. 4. —

THE APPOINTMENTS made by Lord *Durham* of the Executive Council and the Special Council.

EXTRACT from the *Quebec Gazette*, dated 2 June 1838.

HIS Excellency the Governor-general has been pleased to summon to the Executive Council the following gentlemen :

The Secretaries of the General Government; viz.

Charles Buller, Esq., M. P., Chief Secretary.

T. E. M. Turton, Esq., Secretary.

Colonel George Couper, K. H., Military Secretary.

The Provincial Secretary.

The Commissary-general.

No appointment had been made by the Earl of Durham to the Special Council at the date of his last despatches.

LOWER CANADA.

INSTRUCTIONS to Lord Durham for the
Constitution of Special Council.

(*Sir Edward Sugden.*)

*Ordered, by The House of Commons, to be Printed,
19 July 1838.*

HASTINGS SHIP OF WAR.

RETURN to an ORDER of the Honourable The House of Commons,
dated 11 April 1838;—for,

A RETURN of the EXTRA EXPENSE incurred in the Hastings 74, for the
purpose of fitting her up for carrying the Earl of *Durham* and his Suite to
Canada.

	£.	s.	d.
Materials - - - - -	324	5	10
Workmanship - - - - -	248	16	7
TOTAL - - - £.	573	2	5

Admiralty, }
5 May 1838. }

H. F. AMEDROZ,
Chief Clerk.

HASTINGS SHIP OF WAR.

A RETURN of the EXTRA EXPENSE incurred in the Hastings 74, for the purpose of fitting her up, for carrying the Earl of *Durham* and his Suite to *Canada*.

(Colonel Sibthorp.)

*Ordered, by The House of Commons, to be Printed,
8 May 1838.*

LOWER CANADA.

RETURN (in part) to an Address of the Honourable The House of Commons,
dated 23 July 1838;—for,

A RETURN of all APPOINTMENTS made by the EARL OF DURHAM since his Arrival in *Canada*; the DATES of the APPOINTMENTS, and the NAMES of Persons holding such Appointments; and the SALARIES attached to each.

Colonial Office, Downing-street, }
24 July 1838.

Geo. Grey.

EXTRACT from the *Quebec Gazette*, 29th May 1838.

His Excellency the Governor General has been pleased to make the following
Appointments :

- To be Secretaries to the General Government :
Charles Buller, Esquire, Member of the Imperial Parliament of Great Britain and Ireland; and
Thomas Edward Michell Turton, Esquire, Barrister-at-Law.
- To be Military Secretary and Principal Aide-de-Camp :
Colonel George Couper, K.H.
- To be Attachés to the High Commission :
Gervase Parker Bushe, Esquire ;
Arthur Buller, Esquire ; and
The Honourable Edward Pleydell Bouverie.
- To be Aides-de-Camp to the Governor General :
Lieutenant the Honourable Frederick Villiers, Coldstream Guards ;
Captain Stephen Conroy, Coldstream Guards ;
Ensign W. H. Frederick Cavendish, H.M. 52d Regiment Light Infantry ;
Cornet the Honourable C. A. Dillon, H.M. 7th Dragoon Guards.
- To be Extra Aide-de-Camp :
Captain Ponsonby, Royal Fusileer Regiment.
- To be Private Secretary to the Governor General :
Edward Ellice, junior, Esquire, Member of the Imperial Parliament of Great Britain and Ireland.

EXTRACT from the *Quebec Gazette*, 2d June 1838.

His Excellency the Governor General has been pleased to summon to the
Executive Council the following Gentlemen :

- The Secretaries of the General Government; viz.
Charles Buller, Esquire, M.P., Chief Secretary ;
T. E. M. Turton, Esquire, Secretary ;
- Colonel George Couper, K.H., Military Secretary ;
- The Provincial Secretary ;
- The Commissary General.

His Excellency the Governor General has been pleased to make the following
Appointments :

- To be attached to the High Commission :
Lieut.-Col. the Honourable Charles Grey, H. M. 71st Regiment Light Infantry.
- To be Inspector General of Hospitals, and of all Medical, Charitable and Literary Institutions, in the Province of Lower Canada :
Sir John Dorratt, Knight, M.D.

LOWER CANADA.

RETURN of all APPOINTMENTS made by the
EARL OF DURHAM since his Arrival in *Canada*;
the DATES of the APPOINTMENTS, and the
NAMES of PERSONS holding such APPOINT-
MENTS.

(*Marquis of Chandos.*)

Ordered, by The House of Commons, to be Printed,
26 July 1838.

LOWER CANADA.

FURTHER RETURN (in part) to an Address of the Honourable The House of Commons,
dated 23 July 1838 ;—*for*,

A RETURN of all APPOINTMENTS made by the EARL OF DURHAM since his Arrival in *Canada*; the DATES of the APPOINTMENTS; the NAMES of Persons holding such Appointments; and the SALARIES attached to each.

(In continuation of the Paper presented on 24 July instant; Sess. Paper No. 634.)

Colonial Department, Downing-street, }
30 July 1838.

Geo. Grey.

EXTRACT from the *Quebec Gazette*, dated 28th June 1838.

His Excellency the Governor General has been pleased to appoint—

Sir Charles Paget, G.C.H., Vice-Admiral of the White,
Major-General Sir James MacDonell, K.C.B. & K.C.H.,
Lieutenant-Colonel The Honourable Charles Gray,
The Honourable Colonel George Couper, and
The Honourable Charles Buller,—

to be Members of the Special Council.

LOWER CANADA.

RETURN of all APPOINTMENTS made by the
EARL OF DURHAM since his Arrival in *Canada*;
the DATES of the APPOINTMENTS, and the
NAMES of PERSONS holding such APPOINT-
MENTS;—(in continuation of Sess. Paper, No.
634.)

(*Marquis of Chandos.*)

Ordered, by The House of Commons, to be Printed,
31 July 1838.

CANADA.

RETURN to an Address of the Honourable The House of Commons,
dated 13 August 1838;—for,

COPIES of an ORDINANCE passed by the GOVERNOR and SPECIAL COUNCIL of *Lower Canada*, intituled, “An Ordinance to provide for the Security of the Province of *Lower Canada* ;” and, of a PROCLAMATION issued by the Governor of *Lower Canada* on the 28th June last.

Colonial Department, Downing-street, }
14 August 1838.

G. GREY.

EXTRACT of a DESPATCH from the Earl of *Durham* to Lord *Glenelg*, dated Castle of St. Lewis, Quebec, 29 June 1838.

THE first step which I took on my arrival was to examine most carefully the list of prisoners and the depositions affecting each : in so doing, I discovered that against only eight or nine there existed any evidence which would warrant the application of great severity, the chief leaders and instigators of the revolt having fled from the province and being in safety in the United States. I next applied myself, by answers to addresses and private applications, to the discouragement of any notion of the possibility of a general amnesty, and announced that my determination was to punish the guilty and to extend mercy to the misguided ; for which purpose I issued a special commission for the trial of the prisoners, and sent the Attorney-general with it to Montreal. These measures produced the salutary consequences which I expected, and, joined to other means through which they became convinced that I would not suffer the guilty to escape, induced the ringleaders to plead guilty, and throw themselves on the mercy of the Crown.

Yesterday I summoned a special council, a list of the members of which I enclose your Lordship, and passed an ordinance by which the prisoners who pleaded guilty are transported from the continent of America during Her Majesty's pleasure. M. Papineau and his associates, who fled from justice, are prevented from re-entering the province, and the remainder are enlarged on giving security for their good conduct. I also issued a proclamation in Her Majesty's name, which announces the latter act of grace at the same time with the ordinance which inflicts the punishment.

These measures have met with the entire approbation of Sir John Colborne and of the heads of what is called the British party : they declared they did not require any sanguinary punishment, but they desired security for the future, and the certainty that the returning tranquillity of the province should not be arrested by the machinations of these ringleaders of the rebellion, either here or in the United States. This I have effected for them to their contentment. I did not think it right to transport these persons to a convict colony, for two reasons : first, because it was affixing a character of moral infamy on their acts which public opinion would not sanction ; and, secondly, because I hold that it would

be impolitic to force on the colony itself persons who would be looked upon in the light of political martyrs, and thus acquire, perhaps, a degree of influence which might be applied to evil uses in a community composed of such dangerous elements. On consultation, therefore, with Vice-admiral Sir Charles Paget, I determined on sending them to Bermuda, where they could be placed under strict restraint and surveillance. There is, however, little fear of their attempting to escape, as such an act would close at once and for ever the door against their ever re-entering their native country.

Sir Charles Paget has ordered the Vestal to be prepared to take the prisoners, eight in number, to Bermuda immediately on their arrival here; and I trust, therefore, that in a very few days there will not remain in confinement one single person charged with treasonable and seditious practices in this province. Of course I do not refer to the murderers of Lieutenant Weir, who will be arraigned in the usual manner at the usual assizes, and whose case ought to be clearly excepted from the class of political offenders.

COPY of an ORDINANCE passed in the Special Council.

Anno Secundo Victoriae Reginae.

CAP. I.

AN ORDINANCE to provide for the Security of the Province of *Lower Canada*.

WHEREAS divers persons, subjects of Her Majesty in this province, have been charged with high treason and other offences of a treasonable nature, some of which said persons are at present in custody, and others have withdrawn themselves from the pursuit of justice beyond the limits of this province: And whereas of the persons so charged and in custody, those whose names follow, that is to say, Wolfred Nelson, Robert Shore Milnes Bouchette, Bonaventure Viger, Simeon Marchessault, Henri Alphonse Gauvin, Toussaint Goddu, Rodolphe des Rivières, and Luc Hyacinthe Masson, all respectively now in the gaol of Montreal, in custody of the Sheriff of Montreal, have severally acknowledged their participation in such high treason, and have submitted themselves to the will and pleasure of Her Majesty: And whereas Louis Joseph Papineau, a member of the late Assembly of Lower Canada, and Speaker thereof, Cyrille Hector Octave Côte, also a member of the said late Assembly, Julien Gagnon, Robert Nelson, also a member of the said late Assembly, Edmund Burke O'Callaghan, also a member of the said late Assembly, Edouard Etienne Rodier, also a member of the said late Assembly, Thomas Storrow Brown, Ludger Duvernay, Etienne Chartier, a priest, George Et. Cartier, John Ryan the elder, and John Ryan the younger, Louis Perrault, Pierre Paul Demaray, Joseph François Davignon, and Louis Gautier, all respectively subjects of Her said Majesty, and against whom respectively warrants for high treason have been issued, have severally absconded from this province and withdrawn themselves from the limits thereof, and from the pursuit of justice: And whereas it is Her said Majesty's most gracious will and pleasure that no further proceedings shall be had or taken against any persons whomsoever on account of such high treason or other offences of a treasonable nature, save and except as hereinafter provided; but it is nevertheless expedient to provide for the present security of this province by effectually preventing the several persons whose names are hereinbefore set forth from being at large therein; Be it therefore ordained and enacted by his Excellency the Governor of the Province of Lower Canada, by and with the consent and advice of the Special Council for the affairs of the said Province of Lower Canada constituted and assembled by virtue of an Act of the Parliament of the United Kingdom of Great Britain and Ireland passed in the first year of the reign of Her present Majesty, intituled, "An Act to make temporary Provision for the Government of Lower Canada," and it is hereby ordained and enacted by the authority aforesaid, That it shall and may be lawful for Her Majesty

Majesty to transport to Her Majesty's islands of Bermuda, during Her pleasure, the said Wolfred Nelson, Robert Shore Milnes Bouchette, Bonaventure Viger, Simeon Marchessault, Henri Alphonse Gauvin, Toussaint H. Goddu, Rodolphe des Rivières, and Luc Hyacinthe Masson respectively, and to subject them or any of them to such restraints in the said islands as may be needful to prevent their return to this province: And it is further ordained and enacted, by and with the authority aforesaid, That if the said Wolfred Nelson, Robert Shore Milnes Bouchette, Bonaventure Viger, Simeon Marchessault, Henri Alphonse Gauvin, Toussaint H. Goddu, Rodolphe des Rivières, and Luc Hyacinthe Masson respectively, or any of them, or if the said Louis Joseph Papineau, Cyrile Hector Octave Côte, Julien Gagnon, Robert Nelson, Edmund Burke O'Callaghan, Edouard Etienne Rodier, Thomas Storrow Brown, Ludger Duvernay, Etienne Chartier, George Et. Cartier, John Ryan the elder, and John Ryan the younger, Louis Perrault, Pierre Paul Demaray, Joseph François Davignon, and Louis Gautier, against whom respectively such warrants for high treason have been issued, and also have so withdrawn themselves from the pursuit of justice as aforesaid, or any of them, shall at any time hereafter, except by permission of the Governor-general of Her Majesty's Provinces on the Continent of North America and High Commissioner for the adjustment of certain important questions depending in the provinces of Upper and Lower Canada, or if there shall be no such Governor-general and High Commissioner, by the permission of the Governor-in-chief, or Governor or other person administering the government of this province as hereinafter provided, be found at large or come within the said province, they or he shall in such case be deemed and taken to be guilty of high treason, and shall, on conviction of being so found at large or coming within the said province without such permission as aforesaid, suffer death accordingly: Provided always, That it shall and may be lawful for such Governor-general and High Commissioner, or if there shall be no such Governor-general and High Commissioner, then for the Governor-in-chief, Governor or other person administering the government of the province, acting for and in behalf of Her said Majesty, so soon as it shall to him appear consistent with the peace and tranquillity of this province, by any act or instrument under his hand and seal at arms, to grant permission for the said Wolfred Nelson, Robert Shore Milnes Bouchette, Bonaventure Viger, Simeon Marchessault, Henri Alphonse Gauvin, Toussaint H. Goddu, Rodolphe des Rivières, Luc Hyacinthe Masson, Louis Joseph Papineau, Cyrile Hector Octave Côte, Julien Gagnon, Robert Nelson, Edmund Burke O'Callaghan, Edouard Etienne Rodier, Thomas Storrow Brown, Ludger Duvernay, Etienne Chartier, George Et. Cartier, John Ryan the elder, and John Ryan the younger, Louis Perrault, Pierre Paul Demaray, Joseph François Davignon, and Louis Gautier, or any of them, upon giving such security for their future good behaviour and loyal conduct as the said Governor-general and High Commissioner, or if there shall be no such Governor-general and High Commissioner, as the Governor-in-chief, Governor or other person administering the government of this province shall think fit, to return to this province and reside therein; and the said Wolfred Nelson, Robert Shore Milnes Bouchette, Bonaventure Viger, Simeon Marchessault, Henri Alphonse Gauvin, Toussaint Goddu, Rodolphe des Rivières, Luc Hyacinthe Masson, Louis Joseph Papineau, Cyrile Hector Octave Côte, Julien Gagnon, Robert Nelson, Edmund Burke O'Callaghan, Edouard Etienne Rodier, Thomas Storrow Brown, Ludger Duvernay, Etienne Chartier, George Et. Cartier, John Ryan the elder, and John Ryan the younger, Louis Perrault, Pierre Paul Demaray, Joseph François Davignon and Louis Gautier, or such of them as shall receive such permission as aforesaid, shall not thenceforth be subject to any penalty or prosecution whatever for any treason or treasonable or seditious practices by them or him at any time heretofore committed: Provided also, That in any indictment for being so found or coming within the province without such permission as aforesaid, the burthen of proof of having obtained such permission of the said Governor-general and High Commissioner, Governor-in-chief, Governor, or other person administering the government of this province, shall lie upon the party accused or indicted thereof.

And it is hereby further ordained and enacted, by and with the authority aforesaid, That nothing in any Proclamation of Her Majesty contained shall
 705. extend

extend or be held or construed to extend to the cases of François Jalbert, Jean Baptiste Lussier, Louis Lussier, François Mignault, François Talbot, Amable Daunais, François Nicolas, Etienne Langlois, Gideon Pinsonault, Joseph Pinsonault, or any of them, or to the case of any other person or persons charged with the murder of the late George Weir, a lieutenant in Her Majesty's 32d regiment of foot, or with the murder of the late Joseph Chartrand; nor shall François Jalbert, Jean Baptiste Lussier, Louis Lussier, François Mignault, François Talbot, Amable Daunais, François Nicolas, Etienne Langlois, Gideon Pinsonault, Joseph Pinsonault, or any of them, nor shall any other persons suspected of being concerned in the said murders, or either of them, nor any person concerned in the escape from the custody of the Sheriff of Montreal of Louis Lussier, charged with the murder of the said George Weir, or who may have harboured the said Louis Lussier after, or aided him in such escape, derive any benefit or advantage whatsoever from any Proclamation of Her most gracious Majesty, nor shall any amnesty thereby intended to be granted be taken in any way to apply to such person or persons, or any of them.

Durham.

Ordained and enacted by the authority aforesaid, and passed in Special Council at the City of Quebec, the 28th day of June, in the second year of the reign of our Sovereign Lady VICTORIA, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, and so forth, in the year of our Lord One thousand eight hundred and Thirty-eight.

By his Excellency's Command,

W. B. Lindsay,
Clerk Special Council.

COPY of a PROCLAMATION issued by the Earl of *Durham*
on the 28th June 1838.

Province of Lower Canada.

Durham.

VICTORIA, by the grace of God of the United Kingdom of Great Britain and Ireland, Queen Defender of the Faith.

To all to whom these Presents shall come, or whom the same may concern, greeting:—

PROCLAMATION.

WHEREAS Our province of Lower Canada hath been long disturbed by political dissensions, and was recently afflicted with rebellion and civil war, whereby it hath become necessary to suspend the constitution of the said province, and to provide for the temporary government thereof by means of extraordinary powers conferred upon Us by the Imperial Legislature: And whereas We are firmly resolved to punish with the utmost severity any future act of insubordination in Our said province, and more especially to prevent in future, as far as is in Our power, the occurrence of dissensions similar to those by which Our said province has been long disturbed as aforesaid, by effectually removing all causes of dissension, so that Our said province may be established in peace as a loyal and truly British colony: And whereas, in the exercise and in pursuance of the extraordinary powers as aforesaid, it hath been ordained and enacted by an Ordinance this day made and passed according to law, entitled, "An Ordinance to provide for the Security of the Province of Lower Canada," that it shall be lawful for Us to transport certain persons named in the said Ordinance to our island of Bermuda during Our pleasure; and that if the said persons, or certain other persons also named in the said Ordinance, who have withdrawn themselves from the pursuit of justice beyond the limits of Our said province, shall at any time hereafter, except by permission of Our Governor-general of Our provinces on the continent of North America, and High Commissioner for the adjustment of certain important questions depending in the provinces

vinces of Lower and Upper Canada, or if there shall be no such Governor-general or High Commissioner, by the permission of the Governor-in-chief or Governor or other person administering Our Government of Lower Canada, as provided in the said Ordinance, be found at large or come within Our said province, they shall in that case be taken and deemed to be guilty of high treason, and shall suffer death accordingly: And whereas, under the peculiar circumstances of Our said province as aforesaid, it is not less expedient in Our judgment than grateful to Our heart to mark, by an act of Royal grace, Our recollection of the ancient and well-proven loyalty of all Our Canadian subjects, rather than, by any severity of punishment, Our sense of the recent disaffection of some of them: Know ye, therefore, that We have ordained, directed and declared, and by these presents do ordain, direct and declare, that no further proceedings shall be had or taken against any persons whatsoever on account of any high treason or offences of a treasonable nature with which they now stand charged or wherewith they may be chargeable at this time, but that all such proceedings, without exception or distinction, save as hereinafter mentioned, shall henceforth cease and determine: And it is our further will and pleasure, that with the exception of such persons as are in that behalf named in the said Ordinance, and whose cases are thereby provided for, all persons at present in custody and charged with high treason or other offences of a treasonable nature, and also, with such exception as aforesaid, all persons who have withdrawn themselves from the pursuit of justice beyond the limits of Our said province, shall immediately, upon giving such security for their future good and loyal behaviour as Our said Governor-general and High Commissioner, or if there should be no such Governor-general or High Commissioner, then the Governor-in-chief, Governor or the person administering the government of this province, shall direct, be at liberty to return to their homes, and may and shall there remain wholly unmolested by reason of any high treason or other offences of a treasonable nature in which he or they may have been concerned.

In testimony whereof we have caused these our Letters to be made Patent, and the Great Seal of Our said Province of Lower Canada to be affixed thereto.

Witness Our right trusty and right well-beloved John George Earl of Durham, Viscount Lambton, &c. &c., Knight Grand Cross of the most Honourable Military Order of the Bath, one of Our most Honourable Privy Council, and Governor-general, Vice-admiral and Captain-general of all Our Provinces within and adjacent to the Continent of North America, &c. &c. &c.

At Our Castle of St. Lewis, in Our City of Quebec, in Our said Province of Lower Canada, the 28th day of June in the year of our Lord 1838, and in the second year of Our reign.

(signed) *D. Daly*, Secretary.

CANADA.

COPIES of an ORDINANCE passed by the
GOVERNOR and SPECIAL COUNCIL of *Lower
Canada*, intituled, "An Ordinance to provide
for the Security of the Province of Lower
Canada;" and, of a PROCLAMATION issued by the
Governor of *Lower Canada* on the 28th June
last.

(*Sir George Grey.*)

Ordered, by The House of Commons, to be Printed,
14 August 1838.

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